

**HOUSING AUTHORITY OF THE
CITY OF PERTH AMBOY**

Administrative Plan

Section 8 Housing Assistance Payments Program

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HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY

Administrative Plan Section 8 Housing Assistance Payments Program

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Preface

Merger of the Section 8 Certificate and Voucher Programs

Effective October 1, 1999 the Certificate and Voucher Programs shall be merged into the **Housing Choice Voucher Program (HCVP)**.

All Housing Assistance Payments (HAP) Contracts entered into after the effective date shall be processed in accordance with the new regulations.

Existing tenancies shall be converted to the HCVP at the time of the participant's second regular reexamination. If a participant moves to a new unit, they will be converted to the HCVP upon execution of a new HAP Contract.

The calculation of Housing Assistance Payments shall be based on the Payment Standards adopted by the Housing Authority. Payment Standards may be set anywhere between 90% and 110% of the published Fair Market Rents.

Tenant Payment:

A family renting a unit below the Payment Standard shall pay the highest of: 30% of monthly adjusted income, 10% of gross monthly income, or the minimum rent.

A family renting a unit above the Payment Standard shall pay the highest of: 30% of monthly adjusted income, 10% of gross monthly income, or the minimum rent, plus any rent above the payment standard.

When a family first receives Section 8 assistance for a particular unit, the family may not pay more than 40% of adjusted income for rent.

1. INTRODUCTION

(A) Program Requirements

The Perth Amboy Housing Authority (HA) shall administer the Section 8 Program in accordance with the applicable program regulations, which include the following:

- Section 8 Tenant Based Assistance; 24 CFR 982
- Combined Income and Rent Rule; 24 CFR 5
- Definition of Family; 24 CFR 812
- Fair Market Rents & Contract Rent Annual Adjustment Factors; 24 CFR 888

(B) Equal Opportunity Requirements

The HA shall administer the Program in accordance with the applicable Fair Housing and Equal Opportunity requirements.

(C) Policy Choices - Discretionary Elements

This Administrative Plan describes the policy choices of the HA in accordance with the Section 8 Program regulations.

Non-discretionary requirements are contained in the program regulations and are considered incorporated into the administrative Plan by reference.

(D) Tenant-based programs: Purpose and structure.

(1) The HUD rental assistance program provide rent subsidies so eligible families can afford rent for decent, safe, and sanitary housing. The program is administered by State and local governmental bodies called housing agencies (HAs). HUD provides funds to a HA for rent subsidy on behalf of eligible families. HUD also provides funds for HA administration of the programs.

(2) Families select and rent units that meet program housing quality standards. If the HA approves a family's unit and lease, the HA contracts with the owner to make rent subsidy payments on behalf of the family. A HA may not approve a lease unless the rent is reasonable.

(3) In the certificate program, the rental subsidy is generally based on the actual rent of a unit leased by the assisted family.

(4) In the certificate program, the unit rent generally may not exceed a HUD published fair market rent for rental units in the local housing market. For most families, the subsidy is the difference between the unit rent and 30 percent of adjusted monthly income.

(5) In the Voucher Program, the subsidy amount is based on Payment Standards as adopted by the HA. The rent is negotiated between the owner and the tenant. If the gross rent is below the payment standard the tenant will pay below 30% of income for rent. If the gross rent is above the payment the tenant will pay more than 30% of income for rent.

(6) Section 8 assistance may be "tenant-based" or "project-based". In project-based programs, rental assistance is paid for families who live in specific housing developments or units. With tenant-based assistance, the assisted unit is selected by the family and the family may rent a unit anywhere in the United States in the jurisdiction of an HA that runs a certificate or voucher program (subject to certain restrictions).

2. SELECTION OF APPLICANTS

(A) Organization of the Waiting List

It is the HA's policy that each applicant shall be assigned his/her appropriate place in a single Section 8 Housing Application Pool. Placement on the various sub-lists shall be based upon date and time the application is received, and factors affecting preference or priority.

Section 8 Preferences (May 10, 2016)

(B) Selection Preferences

Applicants will be ranked according to the following:

- 1) Highest Points Accumulated
- 2) Time and Date of Application

Preferences (Waiting list remains open for preferences regarding public housing applicants/residents and these preference require approval by the Exec. Director)

- Approval of a public housing applicant who has reached the top of the waiting list but was not eligible for public housing and is otherwise eligible for the Section 8 program. _____(15 points)
- Relocation of a Public Housing tenant to protect the health or safety of the tenant family or other Public Housing tenants. _____ (15 points)
- Displacement to avoid reprisals due to cooperation With law enforcement officials or Housing Authority Personnel (FP) _____ (15 points)
- Relocation to accommodate Public Housing Modernization needs _____ (12 points)
- Relocation to accommodate an eligible Public Housing tenant to participate in the Homeownership program _____ (20 points)
- Relocation to accommodate the employment Or job training/education of a Public Housing Tenant Head of household or spouse _____ (10 points)
- A) An individual or family residing in a legal rental unit in accordance with local and state ordinance who becomes displaced by fire, natural disaster, condemnation or eminent domain by a local or state agency, and for which such action was not the result of neglect or intentional act of the applicant or member of the household. B) Homeless or displaced as a result of domestic violence. C) An individual or family who has been homeless for at least 12 consecutive months, or has been homeless more than once over the past three years for a combined period of 12 months; or an individual or family who is homeless and has a family member who is disabled or the homeless family is considered a special needs family. (limited to 10% of admissions per FY) _____(3 points)
- Perth Amboy Resident (live or work) (Not currently in Perth Amboy Public Housing as HH or spouse) _____ (30 points)
- Current Public Housing Residents HH or spouse _____ (15 points)
- Family member is a U.S. Veteran _____ (2 points) (engaged in active duty or has honorable or general discharge)
- Working Family (Or age 62 or older, or disabled) _____ (1 point)
- **TOTAL POINTS** _____

(C) Administration of the Preferences

(a) The HA requires applicant verification of their qualification for a preference.

(b) The HA will use a preference checklist or other form to obtain the family's certification that it qualifies for a preference. At the initial application interview the family will be advised to notify the HA of any change that may affect their ability to qualify for a preference.

(c) Applicants that are otherwise eligible and are certified or verified as qualifying for a preference will be placed on the waiting list in the preference applicant pool.

(d) Applicants that certify to a preference at the time of initial application must be able to verify their preference status prior to the offer of a Certificate or Voucher. Applicants that cannot verify current preference status will lose their preference qualification and their standing on the waiting list.

(e) Families that lose their original local preference, but still qualify for another preference, will be placed on the waiting list in accordance with their current preference status. Families that cannot qualify for any of the preferences will be moved into a non-preference category, in a lower position on the waiting list based on date and time of application.

(D) Employment Preference:

(a) To receive the employment preference the applicant family must have at least one family member, age 18 or older, employed at the time of the HA's offer of housing. Employment at the time of the offer must be for the 90-day period immediately prior to the offer of housing and provide a minimum of 20 hours of work per week for the family member claiming the preference.

(b) Employment periods may be interrupted but to claim the preference a family must have an employed family member prior to the actual offer of housing as described above.

(c) A family member that leaves a job after receiving benefit of the preference will be asked to document the reasons for the termination. Someone who quits work (as opposed to layoff, or taking a new job) will be considered to have misrepresented the facts to the HA and will have their assistance terminated.

(d) The amount earned shall not be a factor in granting this preference. This preference shall also be available to a family if the head, spouse, or sole member is 62 or older, or is receiving social security disability, or SSI disability benefits, or any other payments based on the individual's inability to work.

(e) An employment preference shall be granted for a family that can verify participation in a job-training program for the 90-day period immediately prior to the offer of housing assistance or graduation from such a program. The family must notify the HA if it enters such a program while on the waiting list and provide documentation of participation to the HA. The HA will not grant this preference if the family fails to provide notice. Notice and verification of the preference claim must be received prior to the offer of housing. To claim this preference applicants must be in good standing with respect to attendance and program rules.

(F) Change in Preference Status while on the Waiting List

(a) Occasionally families on the waiting list who did not qualify for a preference at the time of application intake will experience a change in circumstances that qualifies them for a preference. In such instances, it will be the family's duty to contact the HA so that their status may be recertified or, depending on application processing status, reverified.

(b) To the extent that the HA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with their preference(s), any preference(s), and their date and time of application. They will then be informed in writing of how the change in status has affected their place on the waiting list.

(G) Opening and Closing the Waiting List

(a) The HA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The HA may open or close the list by preference category.

(b) The HA will update the waiting list periodically by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by telephone or mail. At the time of initial intake, the HA will advise families of their responsibility to notify the HA when mailing address or phone numbers change.

(c) If the HA's highest waiting list preference category has sufficient applications to fill anticipated vacancies for the coming 12 months, the HA

may elect to: (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by preference category.

(d) Decisions about closing the waiting list will be based on the number of applicants waiting for assistance, and the number of applicants who qualify for a preference. A decision to close the waiting list, restrict intake, or open the waiting list will be publicly announced.

(e) During the period when the waiting list is closed, the HA will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

(f) Pursuant to the above conditions, the HA Board of Commissioners shall approve closure of the Waiting List. Announcements shall be posted at the HA Administrative Office.

(H) Removal of Applications from the Waiting List

(a) Applicants shall be removed from the waiting list if they are determined to be ineligible for assistance.

(b) Applicants who fail to respond to a HA letter and otherwise fail to express continued interest shall be removed from the List.

(c) Inactive Applications shall be retained by the HA for a period of three years.

(d) Once an Applicant is removed from the Waiting List, the Applicant will be required to reapply and shall be assigned a new application date.

(I) Records

The HA's records with respect to applications for admission shall indicate for each application the date and time of receipt; the determination by the HA as to eligibility or ineligibility of the applicant; the preference rating, if any, and any offers to provide a Certificate/Voucher.

3. ISSUING AND DENYING CERTIFICATES AND VOUCHERS

(A) Issuing Certificates and Vouchers

When a family is selected in accordance with the selection preferences contained in this policy, the participant will be provided with an oral briefing, a certificate holder's package, and shall be issued a Certificate/Voucher.

The initial term of the Certificate/Voucher shall be 60 days. An extension of an additional 30 days may be provided upon request by the Certificate/Voucher Holder. A final extension of 30 days may be provided upon request by the Certificate/Voucher Holder. The overall maximum term shall not exceed 120 days.

In making a determination to provide extensions, the Authority will consider the degree to which the Certificate/Voucher Holder can demonstrate efforts to locate an acceptable unit.

The term of the certificate shall be suspended at the time the Certificate/Voucher Holder submits a Request for Lease Approval. Suspension means 'stopping the clock' up to the time the Housing Authority approves or disapproves the request to lease the unit.

(B) Decision To Deny assistance.

The HA shall give an applicant prompt written notice of a decision denying admission to the program (including a decision that the applicant is not eligible, or denying assistance for other reasons). The notice shall give a brief statement of the reasons for the decision. The notice shall also state that the applicant may request an informal review of the decision, and state how to arrange for the informal review.

(C) Grounds for denial or termination of assistance.

The HA will complete a criminal background check on all applicants including other adult members in the household or any member for which criminal records are available. The HA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

- (1) If the family violates any family obligations under the program (see 982.551).
- (2) If any member of the family has ever been evicted from public housing.
- (3) If a HA has ever terminated assistance under the certificate or voucher program for any member of the family.

- (4) If any member of the family has been engaged in criminal activity or alcohol abuse as described in 24 CFR 982.553.
- (5) If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- (6) If the family currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
- (7) If the family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- (8) If the family breaches an agreement with the HA to pay amounts owed to a HA, or amounts paid to an owner by a HA.
- (9) If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
- (10) If the family has engaged in or threatened abusive or violent behavior toward HA personnel, or harasses or is otherwise uncooperative so that personnel cannot perform their job functions.

The Authority may not deny or terminate assistance for use or possession of drugs or abuse of alcohol by a family member, if the family member can demonstrate that he or she:

- (1) Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such impairment; and
- (2) Is recovering, or has recovered from, such addiction and does not currently use or possess controlled substances.

The Authority shall require the family member who has engaged in the illegal use of drugs or abuse of alcohol to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

In determining whether to deny or terminate assistance based on drug related criminal activity or violent criminal activity, the Authority shall deny or terminate assistance if the preponderance of the evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

(D) Requirement to sign consent form. The HA must deny or terminate assistance if any member of the family fails to sign and submit consent forms for obtaining information.

4. DEFINITION OF FAMILY

“Family” may be:

- (a) Is a family as follows:
 - (1) A single person, who may be an elderly person, displaced person, disabled person, near elderly person or any other single person; or
 - (2) A group of persons residing together and such group includes but is not limited to a family with or without children; an elderly family; a near-elderly family; a disabled family; a displaced family; and the remaining member of a tenant family.
 - (3) The Authority will provide equal access regardless of sexual orientation, gender identity, or marital status.

5. DEFINITION OF CONTINUOUSLY ASSISTED

An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

6. ENCOURAGING OWNER PARTICIPATION

The HA encourages participation of owners of suitable units located outside areas of poverty or minority concentration and encourages Certificate/Voucher Holders to relocate to these areas. The HA shall implement this policy as follows:

- A. Create map to delineate areas of poverty/minority concentration and areas located in the HA jurisdiction that offer housing opportunities in areas not of poverty/minority concentration. This map is included in the manual Finding a Good Place to Live, located in the Section 8 offices.
- B. Briefing packets also contain a list of owners with property outside areas of poverty/minority concentration, and/or organizations that can assist participants in this effort. Owners will be solicited through outreach including newspaper ads, press releases, landlord briefings, provision of landlord guides, and word of mouth.
- C. The briefing packet includes an explanation of portability and a list of neighboring PHAs with contact names and phone numbers. Portability is discussed during program orientation. Participants are instructed to inform HA personnel of any problems they encounter in trying to rent in areas outside of poverty concentration.
- D. The HA will track complaints in regard to difficulty in leasing units in areas outside poverty concentration, will analyze these complaints and attempt to resolve problems within its control.

7. ASSISTING FAMILIES THAT CLAIM ILLEGAL DISCRIMINATION

A Discrimination Complaint Form shall be included in the Certificate Holders Package. The HA will provide oral instructions and written information concerning illegal discrimination and use of the form.

The HA will provide the Certificate/Voucher Holder with the addresses and telephone numbers of the HUD Office of Fair Housing and Equal Opportunity, the NJ Division of Civil Rights, and Legal Services.

8. PROVISION OF FAMILY INFORMATION TO OWNERS

The HA shall give the owner:

- (1) The family's current address (as shown in the HA records); and
- (2) The name and address (if known to the HA) of the landlord at the family's current and prior address.
- (3) The HA shall give the family a statement of the HA policy on providing information to owners. The statement must be included in the information packet that is given to a family selected to participate in the program. The HA will give the same types of information to all families and to all owners.
- (4) Owners shall be advised that tenant screening is the responsibility of the owner.

9. DISAPPROVAL OF OWNERS

(a) The HA shall not approve a unit if the HA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

(b) When directed by HUD, the HA shall not approve a unit if:

- (1) The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending; or
 - (2) A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
- (c) In its administrative discretion, the HA may deny approval to lease a unit from an owner for any of the following reasons:

- (1) The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 14370;

- (2) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- (3) The owner has engaged in drug trafficking;
- (4) The owner has a history or practice of non-compliance with the HQS for units leased under the tenant based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;
- (5) The owner has a history or practice of renting units that fail to meet State or local housing codes; or
- (6) The owner has not paid State or local real estate taxes, fines or assessments.
- (7) The HA must not approve a unit of the owner is the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the HA determines approval of the unit would provide reasonable accommodation for a family member who is a person with disabilities.
- (8) The Housing Authority may refuse to enter into a new HAP Contract with owners who refuse (or have a history of refusing) to evict families for drug related criminal activity or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the premises by tenants, PHA employees, or owners employees.

(d) For purposes of this section, "owner" includes a principal or other interested party.

10. SUBSIDY STANDARDS / UNIT SIZE

To determine the Certificate/Voucher size for applicants, there shall be one bedroom/ sleeping room for each two persons.

Separate bedrooms shall be approved for children of the opposite sex over the age of 5.

A child under the age of 4 shall not qualify for a separate bedroom.

11. FAMILY ABSENCE FROM DWELLING UNIT

The family must supply any information or certification requested by the HA to verify that the family is living in the unit, or relating to family absence from the unit. The family must promptly notify the HA of absence from the unit of all family members for periods over 10 days.

The family may not be absent from the unit for a period of more than 180 consecutive calendar days in any circumstance, for any reason. (24 CFR 982.312) Occupancy of the unit during the 180-day period of less than 30 days shall not be considered the re-occupancy of the unit. The consecutive day count shall be temporarily suspended, then resumed upon family absence.

In the case of imprisonment that is expected to last more than 180 days, and cause the absence of all family members, assistance shall be terminated upon move-out.

In the case of a vacation of all family members of over 60 days, the HA shall provide the family with a 30 day notice. If the unit is not re-occupied within 30 days, housing assistance shall be terminated.

Hospitalization and nursing home stays shall be subject to the 180 maximum.

The tenant and the HA shall promptly notify the landlord of all actions in this regard.

12. FAMILY BREAK-UPS/ ELIGIBILITY OF REMAINING HOUSEHOLD MEMBERS

In the case of a family break-up **between the head of household and spouse**, the decision to whom to provide assistance shall include the following considerations:

- a) Who has custody of minor children, or if a family member is elderly, disabled or ill.
- b) Family members remaining in the unit
- c) Family members forced to leave the unit as a result of actual or threatened physical violence by a spouse or other family member
- d) A court ordered disposition of property that includes the housing assistance.

Remaining family members other than the head of household or spouse will only be eligible for continued assistance if the head of household vacates the unit for reasons beyond their control, such as death or placement in a nursing home; or other good cause as determined by the Authority. If the head of household voluntarily withdraws from assistance, or is terminated from assistance by the Authority, all household members will be terminated.

13. INFORMAL REVIEW FOR APPLICANT

(a) Notice to applicant. The HA shall give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice shall contain a brief statement of the reasons for the HA decision. The notice shall also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review.

(b) Informal review process. The HA shall give an applicant an opportunity for an informal review of the HA decision denying assistance to the applicant. The HA review procedures shall include the following:

(1) The review shall be conducted by any person or persons designated by the HA, other than a person who made or approved the decision under review or a subordinate of this person.

(2) The applicant shall be given an opportunity to present written or oral objections to the HA decision.

(3) The HA shall notify the applicant of the HA final decision after the informal review, including a brief statement of the reasons for the final decision.

(c) When informal review is not required. The HA is not required to provide the applicant an opportunity for an informal review for any of the following:

(1) Discretionary administrative determinations by the HA.

(2) General policy issues or class grievances.

(3) A determination of the family unit size under the HA subsidy standards.

(4) A HA determination not to approve an extension or suspension of a certificate or voucher term.

(5) A HA determination not to grant approval to lease a unit under the program or to approve a proposed lease.

(6) A HA determination that a unit selected by the applicant is not in compliance with HQS.

(7) A HA determination that the unit is not in accordance with HQS because of the family size or composition.

14. INFORMAL HEARING FOR PARTICIPANT

(a) When hearing is required-

The HA shall give a participant family an opportunity for an informal hearing to consider whether the following HA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and HA policies:

- (1) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- (2) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the HA utility allowance schedule.
- (3) A determination of the family unit size under the HA subsidy standards.
- (4) A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the HA subsidy standards, or the HA determination to deny the family's request for an exception from the standards.
- (5) A determination to terminate assistance for a participant family because of the family's action or failure to act.
- (6) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules.

In the cases described in paragraphs (a)(1) (4), (5) and (6) of this section, the HA must give the opportunity for an informal hearing before the HA terminates housing assistance payments for the family under an outstanding HAP contract.

(b) When hearing is not required.

The HA is not required to provide a participant family an opportunity for an informal hearing for any of the following:

- (1) Discretionary administrative determinations by the HA.
- (2) General policy issues or class grievances.
- (3) Establishment of the HA schedule of utility allowances for families in the program.
- (4) A HA determination not to approve an extension or suspension of a certificate or voucher term.
- (5) A HA determination not to approve a unit or lease.
- (6) A HA determination that an assisted unit is not in compliance with HQS. (However, the HA shall provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in § 982.551(c).)

(7) A HA determination that the unit is not in accordance with HQS because of the family size.

(8) A determination by the HA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

(c) Notice to family.

(1) In the cases described in paragraphs (a)(1), (2) and (3) of this section, the HA shall notify the family that the family may ask for an explanation of the basis of the HA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

(2) In the cases described in paragraphs (a) (4), (5) and (6i) of this section, the HA shall give the family prompt written notice that the family may request a hearing. The notice shall:

- (i) Contain a brief statement of reasons for the decision,
- (ii) State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and
- (iii) State the deadline for the family to request an informal hearing.

(d) Expeditious hearing process.

Where a hearing for a participant family is required under this section, the HA shall proceed with the hearing in a reasonably expeditious manner upon the request of the family.

(e) Hearing procedures-

(1) *Discovery by the Family.* The family shall be given the opportunity to examine before the HA hearing any HA documents that are directly relevant to the hearing. The family shall be provided with copies of requested document at a cost of \$.10 per page. Any document not made available for examination on request of the family shall not be used at the hearing.

(2) *Discovery By the HA.* The HA must be given the opportunity to examine at the HA offices before the HA hearing any family documents that are directly relevant to the hearing. The HA must be allowed to copy any such document at the HA's expense. If the family does not make the document available for examination on request of the HA, the family may not rely on the document at the hearing.

(3) *Documents.* The term "documents" includes records and regulations.

(4) *Representation by family.* At its own expense, a lawyer or other representative may represent the family.

(5) *Hearing officer.* The hearing shall be conducted by any person or persons designated by the HA, other than a person who made or approved the decision under review or a subordinate of this person. The person who conducts the hearing shall regulate the conduct of the hearing in accordance with the HA hearing procedures.

(6) *Evidence.* The HA and the family shall be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

(7) *Issuance of decision.* The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

(8) *Effect of decision.* The HA is not bound by a hearing decision:

(1) Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the HA hearing procedures.

(2) Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.

(3) If the HA determines that it is not bound by a hearing decision, the HA must promptly notify the family of the determination, and of the reasons for the determination.

(f) Restrictions on assistance for non-citizens. The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24- CFR 5.

15. PAYMENTS OF AMOUNTS OWED BY FAMILY

Prior to being placed on the Waiting List, applicants that owe money to the HA or any other subsidized housing administrator, must pay the amount owed.

Participants that fail to report income increases in a timely manner shall pay retroactive charges, and be subject to termination, as indicated in the Excess Rental Assistance Recovery Policy listed as an amendment to this policy.

16. REEXAMINATION OF INCOME

The HA must examine family income and verify income at the time of admission and at least once annually thereafter. The regulations covering reexamination of income are found at 24 CFR part 5, subpart F.

The HA will seek to obtain third party verification of family annual income, the value of assets, expenses related to deductions from annual income and other factors that affect the determination of adjusted income. However, if after four weeks a request for third party verification has not been returned the HA will use other methods of verification including but not limited to copies of paychecks, copies of bank account statements, and receipts for expenses.

A tenant may request an interim determination of family income or composition because of a change since the last determination. All changes must be reported, and documentation received, by the 20th of the month in order for the change to be effective by the first of the following month. Any changes submitted after the 20th of each month will be made for the first of the following month.

The tenant is required to report the following changes in income or family composition within 10 business days of occurrence:

1. An addition of a family member. In the event of a birth, adoption, foster child, or court-appointed custody, no prior approval is needed but the change must be reported as stated above.
2. Prior approval must be received to add new adult household members to the certificate/voucher and lease. With the exception of a spouse, adult household members will not be approved unless failure to do so will result in a hardship to the existing family members. Adult household members must also pass screening criteria related to prior criminal history prior to being added.
3. An increase in income resulting from a change in employer, job title, part - time to full time employment, an adult family member previously unemployed obtains employment, all income received by a new family member, any new unearned income received on behalf of any family members- children or adults.
4. If a family member leaves the household this must be reported within 10 days. The Housing Authority will not permit leaseholders to repeatedly remove and add the same person to the household, even if the person is a spouse.

Tenants will be required to show verification of application, receipt, non-receipt, or ineligibility for all sources of income for which Housing Authority staff determine they may be eligible; including but not limited to welfare, unemployment, disability, pension, social security, alimony, and child support benefits.

Persons reporting zero income may have their circumstances examined every 90 days until they have a stable income. Persons claiming zero income will also be asked to complete a family expense form. This form will be the first form completed in the annual re-examination process. The form will ask residents to estimate how much they spend on: food, beverages, transportation, health care, child care, debts, household items, etc. Residents will then be asked how they pay for these items.

Increases in tenant payments will not be made until 30 days notice is provided, unless the tenant fails to report the increase within the 10- day period. In these cases the increase may be made effective without the full notice period, but no sooner than 30 days from the actual change in income.

17. SECURITY DEPOSITS

Security deposits may be collected up to an amount not to exceed private market practice and State law.

18. SPECIAL HOUSING TYPES

Housing assistance shall not be provided for Single Room Occupancy (SRO) housing.

Housing assistance shall not be provided for Shared Housing.

Housing assistance shall be provided for Congregate Housing and Independent Group Residences and Manufactured Homes provided that all HQS requirements are met.

19. VOUCHER PROGRAM PAYMENT STANDARDS

The HA shall maintain a payment standard schedule (see Appendix) for each bedroom size. The payment standards shall not be less than 90 percent, nor more than 110% of the published Fair Market Rent (in effect when the payment standard schedule is adopted.)

The HA shall periodically assess the adequacy of the payment standards. The payment standard may be increased or decreased as deemed appropriate.

20. REASONABLE RENT REQUIREMENTS

The HA may not approve a lease until the HA determines that the initial rent to the owner is a reasonable rent.

The HA must re-determine the reasonable rent: 1) before any rent increases are given to the owner, and 2) if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary, or 3) if directed by HUD.

The HA may also re-determine the reasonable rent at any other time.

At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by the HA.

The HA must determine whether the rent to the owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the HA must consider the location, quality, size, unit type, age of the contract unit, any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease agreement.

21. RESIDENCY REQUIREMENT FOR NON-RESIDENT PARTICIPANTS

Non-residents selected for participation are required to live in Perth Amboy for the first year of their participation on the program. The HA may waive this requirement only in cases where living out of town is necessary to avoid a hardship to the family (i.e. proximity to work, etc.).

22. RESTRICTIONS ON NUMBER OF MOVES

Participants are restricted to one move every 12 months while on the program. The HA may waive this requirement to avoid a hardship to the family (i.e. proximity to work, etc.).

During the first year of a lease, participants are also prohibited from moving. The HA may waive this requirement for hardship cases as described above, however, the landlord must also be willing to terminate the lease.

23. ADMINISTRATIVE FEE RESERVE- USE AND AUTHORIZATION

The Board of Commissioners has established that the Executive Director may charge up to \$25,000 to the administrative fee reserve for other housing purposes permitted by State or local law (other than section 8 related expenses) before requiring Board approval.

24. Treatment of Income Changes Resulting From Welfare Program Requirements

If income is reduced because of a sanction imposed by a State funded Assistance Program (Welfare, Temporary Assistance to Needy Families –TANF), or because of fraud, the rent will not be reduced during the period of the income reduction.

Rent may be reduced if income is reduced because of the expiration of the time limit on receiving benefits or a situation in which a family has complied with the welfare program requirements but cannot obtain employment.

25. Minimum Rents

The HA shall charge a minimum rent of \$50.00

Exceptions to the minimum rent shall apply in hardship circumstances which include: (1) the family has lost eligibility or is awaiting an eligibility determination for a Federal, state or local assistance program, (2) the family would be evicted as a result of the imposition of the minimum rent requirements, (3) the income of the family has decreased because of changes in circumstances including loss of employment, a death in the family has occurred, and other circumstances determined by the Authority.

The exemption shall not be provided if the hardship is determined to be temporary. The Authority shall not evict the family for non-payment of rent on the basis of hardship if the hardship is determined to be temporary during the 90-day period, beginning upon the date of the family's request for the exemption. During this 90-day period, the family must demonstrate that the financial hardship is of a long-term basis. If the family demonstrates that the financial hardship is of a long-term basis, the Authority shall retroactively exempt the family from the applicability of the minimum rent for the 90-day period.

If a family requests a hardship exemption, the minimum rent is suspended until a determination is made whether: there is a hardship covered by this policy, (b) the hardship is temporary or long-term. If the Authority determines that there is no hardship covered by this policy, the minimum rent is imposed, including back payments for minimum rent from time of suspension.

If the Authority determines that the hardship is temporary, the minimum rent also is, including back payment for minimum rent from the time of suspension. The family shall not be evicted for non-payment during the 90-day period commencing on the date of the family's request for exemption of the minimum rent in excess of the tenant rent otherwise payable. If necessary, a repayment

agreement will be offered for any such rent not paid during the period. If the family thereafter demonstrates that the financial hardship is of long-term duration, the Authority shall retroactively exempt the family from the minimum rent requirement.

26. Income Targeting

On an annual basis, 75% of all new admissions shall be applicants with incomes at or below 30% of the median income.

27. Unit Inspections

All units shall be inspected and must be in compliance with the HUD Housing Quality Standards (HQS).

As per Federal Registry Notice 6/25/14 Section 220 allows PHAs to conduct biennial housing quality inspections during the term of a housing assistance payment (HAP) contract.

The Authority will conduct 24 months inspections instead of 12 month inspections of units for which landlords or management companies have had a good history of passed inspections and repairs in a timely manner. Annual inspections will continue for units that have poor inspection histories due to landlord or tenant neglect. The HQS inspector will submit to the Section 8 Program Manager for approval the list of units to be inspected annually.

Special inspections will be conducted according to complaints brought to the attention of this agency.

All landlords and program participants will receive notice of the new policy. The notice will specify that inspection and maintenance of the unit is the responsibility of the landlord and participant. Participants and Owners will be notified of annual or biennial inspections by mail.

The change in policy will allow the Authority to focus attention on inspections for participant moves and new applicant move-ins in order to improve efficiency within the department and maintain full program lease up which is vital for maintaining full program funding. Participants must allow the Authority 15 days to process a move-in inspection.

28. Welfare-To-Work Program

In FFY 1999 the Housing Authority received a special allocation of 160 vouchers which are to be used for the Welfare-to-Work Program.

A. Eligibility

In addition to meeting all other Section 8 program eligibility requirements as described in HUD regulations and this administrative plan; recipients of Welfare-to-Work-vouchers must meet the following additional requirements:

- 1.) When initially selected for Welfare-to-Work assistance, families must be eligible to receive, be currently receiving, or shall have received within the preceding two years, assistance or services funded under the TANF program;
- 2.) The family must be in compliance with TANF work requirements;
- 3.) Tenant-based housing assistance must be determined to be critical to the family's ability to successfully obtain or retain employment;
- 4.) The family shall not already be receiving tenant-based assistance under Section 8 of the U.S. Housing Act of 1937;
- 5.) The family must be on the Section 8 Waiting list.

B. Preference for Admission

Eligible families will be selected for assistance in accordance with the Housing Authority's established selection preferences. Families will be further prioritized as follows:

- 1.) Applicant has a job or job offer that necessitates relocation outside the jurisdiction of Perth Amboy in order to retain or accept that job (20 points),
- 2.) Applicant also has an active public housing application (15 points).

Families receiving Welfare-To-Work assistance must comply with all Section 8 program requirements as stated in HUD regulations, the Housing Authority's Administrative plan, the lease, and all other applicable documents.

Additionally, the family will be required to do the following:

- Attend an orientation program regarding the Section 8 program,
- Attend two meetings with the Family Self Sufficiency (FSS) Coordinator or Welfare to Work Case Worker,
- Develop and implement an individual development plan,
- Participate in available supportive services and training programs,
- Search for employment,
- Attend follow-up appointments with the FSS Coordinator or Welfare to Work Case Worker to discuss, monitor, and amend if necessary the individual development plan.

- Remain housed in Middlesex County. Exceptions to this policy will be made on a case- by- case basis. For example, if the participant has a job offer or education opportunity outside the area, or is employed and maintaining self-sufficiency. Other exceptions include if the participant moves to a jurisdiction that has a Welfare-to-Work program. Participants who port outside of Perth Amboy will still be required to comply with all other provisions of this program.
- Participate for a minimum of thirty hours per week in the following types of activities: employment, education, job or skills training, active job search, or other supportive services as approved by the Housing Authority.

29. Homeownership Policy- In addition to the requirements of 24 CFR Part 982, the following requirements are added by the Housing Authority as permitted by the regulation:

- A. Additional Requirements-** In addition to meeting the criteria of 982.626 (a), the family must meet the following criteria:
1. Family is in good standing with the Authority (no major lease or family obligation violations within past six months).
 2. Family is enrolled in the FSS Program. **Note:** At the discretion of the Housing Authority, elderly and disabled, persons and portable families may be exempt from this requirement.
 3. Family has sufficient resources to pay a down payment equal to 3% of the purchase price of a typical home that meets their family household size, and closing costs. At least 1% of these funds must come from the family's personal resources. **Note:** At the discretion of the Housing Authority, participants may be exempt from this requirement.
 4. Family has an acceptable credit history (Families unable to meet this criterion initially will be referred to credit counseling, and then reconsidered for the program).
 5. Family is determined "mortgage ready". This means based on a review by PAHA staff, the family would likely qualify for a mortgage based on its income and housing prices applicable to the size house the family requires.
 6. Family has attended an Authority sponsored homeownership seminar, briefing and completed a survey.
 7. Family has signed the Statement of Family Obligations form for the program.
- B. Maximum Time to Locate and Purchase a Home-** The family will be given six months to locate and purchase a home. Extensions to this will be given on a case-by-case basis depending on the effort made by the family to find a suitable home. The family will be required to provide the Authority with bi-weekly reports on their progress.
- C. Issuing a Voucher in Lieu of Homeownership Assistance-** The family will be provided a voucher for rental assistance if they are unable to find and purchase a home under this program.
1. **Minimum Homeowner Equity Requirement-** The family must put three percent of the purchase price of the home as a down payment. At least one percent of this amount must come from the family's personal resources. **Note** At the discretion of the Housing Authority, participants may be exempt from this requirement.
- D. : Approval of Financing:**
1. The mortgage must be affordable to the family. The Authority will determine affordability by taking into consideration the monthly homeownership expense plus all other monthly financial obligations of the family.

2. The mortgage must not have a balloon payment.
 3. The mortgage must have a fixed interest rate, no adjustable rates will be permitted.
 4. The mortgage must be provided, insured, or guaranteed by the state or federal government; comply with secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards.
- E. Requirement for Continuation of Assistance-** The family must participate in on-going homeownership counseling as required by the Authority. The extent and frequency of counseling will be established at the time homeownership assistance begins, depending on the family's particular situation. The family must also notify the Authority within seven days if it fails to make a mortgage payment by the due date.
- F. Homeownership Expenses-** Homeownership expenses will include:
1. Principal and interest on initial mortgage and any refinancing of such debt;
 2. Mortgage insurance;
 3. Real estate taxes;
 4. Home insurance;
 5. One hundred dollars monthly for maintenance expenses;
 6. One hundred dollars monthly for major repairs and replacements;
 7. Utility allowance as per the PAHA utility allowance schedule;
 8. Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home;
 9. The cooperative charge under the occupancy agreement (co-op only);
 10. Operating costs or maintenance fees assessed by the homeowners association (co-op and condos only).
- G. Payment of Assistance Payment to the Lender-** Payments will be made directly to the lender, if the lender will accept separate payments. If the assistance payment exceeds the amount due to the lender, the PAHA will pay the excess to the family. If the lender will not accept separate payments, the Authority will provide the subsidy directly to the family.
- H. Number of Times Families Can Move-** Families will not be permitted to move more than once per calendar year unless the Authority determines a hardship will result if the family is not permitted to move. Additionally, moves with assistance may be prohibited if the Authority does not have sufficient funds to provide continued assistance. A family can move to a new unit with either rental assistance or homeownership assistance in accordance with requirements of the applicable program. The PHA may not commence assistance so long as any family member still owns or has any title or interest in the prior home. Per Section 982.635 (e), homeownership assistance for a family terminates automatically 180 calendar days after the last homeownership assistance payment on behalf of the family.

J. Requirements of Independent Inspector: The inspector must meet all New Jersey State requirements and be independent of and not referred by the seller or realtor.

K. Limit on Number of Vouchers Administered—For current HCV holders there will be no limit on how many participants the Housing Authority will assist per year under the homeownership program. Public Housing families will be provided a voucher as long as one is available at the time they are ready to begin a housing search. New Homeownership vouchers may be limited if it is determined it will place an administrative or financial burden on the Authority.

L. Eligibility of Portable Families- Families residing in Perth Amboy under portability will be eligible to participate in the Authority's housing counseling programs. These families will be absorbed into the Authority's section 8 program at the discretion of the Executive Director based on their readiness for homeownership. The Authority will limit the number of portables absorbed annually to 10% of the vouchers that are terminated, and to be re-leased each year. New Homeownership vouchers may be limited if it is determined it will place an administrative or financial burden on the Authority.

M. PHA Disapproval of Seller – The PHA reserves the right to disapprove the seller based on HUD regulations.

N. Down payment Assistance Grants --Under Section 301 of 24 CFR Part 982, HUD has proposed that PHAs may offer a single grant to be used as a down payment, in lieu of paying monthly homeownership assistance expenses. The Housing Authority will offer this option at the request of the family.

Note: PHAs may not commence this option until HUD publishes a notice in the *Federal Register* announcing that appropriated funds are available for this use.

30.Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005.

The fourth provision of Section 606 amends voucher program statutes on Selection (Sec.8(o)(6)(B) and leases and tenancy (Sec.8(o)(7)(C) and 7(D) to provide new protections for victims of domestic violence, dating violence, and stalking.

Section 8(o)(7)© and (7)(D) govern prohibitions on termination of assistance and evictions that must be reflected in Housing Assistance Payment Contracts between the PAHA and an owner.

The law creates a new Section 8(o)(20) “Prohibited Basis for Termination of Assistance” which applies basically the same new prohibitions on termination of assistance directly to the PAHA in the administration of voucher assistance as are provided in sec. 8(o)(7)(C).

Implementation

- *Selection:* That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission of an otherwise qualified applicant. Nothing in this section supersedes a Federal, State, or local law that provides greater protection for victims.
- *Lease Terms Regarding Termination:* An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.
- *Regarding the HAP Contract-Termination of Assistance/Eviction:* Criminal activity directly relating to domestic violence, dating violence, or stalking engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control shall not be cause for termination of the tenancy or occupancy rights, if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that domestic violence, dating violence, or stalking.
- Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant’s family who is a victim of the domestic violence, dating violence, or stalking.
- The PAHA may terminate assistance or an owner may bifurcate the lease to terminate assistance to remove a lawful occupant or tenant who engages in criminal acts of violence to family members or others without terminating assistance/evicting victimized lawful occupants.
- The PAHA or an owner are authorized to honor court orders regarding rights of access or control of the property, including civil protection orders issued to protect the victim and

issued to address the distribution or possession of property among household members in cases where a family breaks up.

- Nothing limits the ability of the PAHA to terminate assistance or the owner to evict for other good cause unrelated to the incident or incidents of domestic violence, provided that the victim is not subject to a “more demanding standard” than non-victims.
- Nothing is to prohibit termination or eviction if the PAHA or owner “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s tenancy is not terminated.”
- Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence dating violence, or stalking.

Denial of Portability

- The bill amends portability statutes at Section 8(r)(5) to provide that the PAHA may not deny portable voucher assistance to a tenant who violated previous assisted lease terms solely in order to move out quickly because of the fear of domestic violence. The statute provides that the PAHA may not terminate or deny portable voucher assistance to a tenant who is otherwise in compliance with program rules who moved out of a previous assisted unit in order to “protect the health and safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.”

Certification and Confidentiality

- The PAHA may request that an individual certify via HUD-approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the statute. Such certification shall include the name of the perpetrator.
- The individual shall provide such certification with 14 business days after the PAHA requests such certification in writing. If the certification is not received within 14 business days of the written request, nothing would limit the PAHA’s ability to evict. The PAHA may extend the 14 day deadline at their discretion.
- Alternatively, an individual may satisfy the certification requirement by
 1. providing documentation signed 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 domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests 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, and the victim of domestic violence, dating violence, or stalking has signed or attested to documentation; or

2. producing a Federal, State, tribal, territorial, or local police or court record.
- Confidentiality: Information provided by the victim pursuant to the certification shall be retained in confidence and not entered into any shared database nor provided to any related entity except when the disclosure is consented to by the individual in writing, required for use in eviction proceedings, or otherwise required by law.

31. Plan for Termination of Vouchers

If termination of Section 8 Housing Assistance to participants in the Section 8 program becomes necessary as a result of a reduction of HUD financial assistance to the Authority, The Authority will first take the following actions to prevent or minimize termination of assistance:

- Stop issuing turnover vouchers.
- Ensure all program requirements and family obligations are being strictly enforced, possibly resulting in higher termination rates for cause.
- Reduce payment standards.
- Deny portability moves to higher cost areas.
- Deny moves within the Authority's jurisdiction if the move will result in a higher cost to the Authority.
- Reduce subsidy standards so that participant families will be restricted to two persons per bedroom regardless of sex or age of those sharing bedrooms. This would result in a reduction of subsidy at the time of the next reexamination for some families. Families would have to choose to pay the difference between the subsidy and the contract rent, or move to a smaller unit.

If termination of assistance becomes a necessary step, senior and disabled participants will be exempt from assistance termination in accordance with HUD notice PIH 2005-9. Termination of assistance will apply to all other households in the following order:

- Participants who are receiving any other type of housing assistance to help meet their rental obligations. This includes participants living in affordable housing units constructed by monies from the federal, state, or local government and/or agencies.
- Single person households (non elderly or disabled).
- Last on, first off (most recent participants admitted to the program).

Those participants terminated from the program will be placed on the top of the Authority's waiting list and will receive admission to the program if funding is restored. If there are multiple terminations they will be placed on the waiting list based on their initial lease up date.

32. Affirmatively Furthering Fair Housing

- It is the goal of the Authority to further fair housing for all applicants and participants it serves. Specifically, the following actions will be taken:
- Periodically examine its programs or proposed programs to identify any impediments to fair housing choice within those programs; addressing those impediments in a reasonable fashion in view of the resources available; work with the City of Perth Amboy to implement any of the City's initiatives to affirmatively further fair housing that require the Authority's involvement; and maintain records reflecting these analyses and actions.
- The Authority will publicize in at least one newspaper of wide circulation and its on line job posting site, any job vacancies that occur for the FSS program, Homeownership program, or the Section 8 HCV program. The Authority will also post the vacancy in the public areas of the Authority's administration building. Files will be maintained documenting the advertisements, responses received, candidates interviewed, and job offers made. Adjustments will be made to hiring practices if it is found that a diverse pool of job applicants is not achieved.
- The Authority will publicize the opening of the Section 8 waiting list in at least one newspaper of wide circulation, one Spanish language newspaper if available, and on Channel 34 (Perth Amboy television station). In addition, the Authority will notify all local social service organizations that serve low income and disabled/elderly populations of the opening of the waiting list. Files will be maintained documenting the advertising of the opening of the waiting and the Authority will determine from the demographics of the families submitting applications if it does not achieve a diverse pool of applicants.
- The Authority will outreach to all section 8 participants regardless of their employment, disability, race or ethnicity status for participation in the FSS and Homeownership programs. Outreach is conducted annually to all Section 8 participants at the time of their annual recertification, and for all newly admitted participants at the time of their program briefing. The Authority employs staff bilingual in English and Spanish and translates program information as necessary. The Authority will monitor program participation to ensure the programs are being accessed to all participants regardless of their employment, disability, race or ethnicity status.
- In accordance with 24 CFR 8.6, the Authority shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in its Section 8 programs. In determining what auxiliary aids are necessary, the Authority shall give primary consideration to the requests of the individual with handicaps. The Authority is not required to provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature. Where the Authority communicates with applicants and participants by telephone, telecommunication devices for deaf persons (TDD's) shall be used when necessary. The Authority will assist interested persons, including persons with impaired vision or hearing, in obtaining information

concerning the existence and location of accessible services, activities, and facilities. All Administrative offices are handicapped assessable in accordance with section 504 requirements.

- The Authority maintains a list of HUD certified counseling agencies and will make referrals to individuals who are in need of fair housing counseling.
- Participants are provided with form HUD 903.1 titled “Are you a victim of housing discrimination”. This publication provides information, instructions, a copy of the complaint form and hotline number regarding filing a discrimination complaint. It also provides a TTY number for persons with hearing or speech impairments through the Federal Information Relay Service.
- The Authority provides participants with information regarding “expanding housing opportunities” providing them with information on how to choose a house or apartment. The Homeownership Coordinator communicates with owners and realtors in the suburban areas of Perth Amboy in an effort to expand choices for program participants.
- Data is kept in participant and applicant files and in the computer database in the form of case notes to document when steps are taken in regard to affirmatively furthering fair housing.
- The Authority will take the following steps to specifically address accessibility problems for persons with disabilities, such as those participating in the Non-Elderly Person’s with Disabilities section 8 voucher program: If requested , the Authority will help program applicants and participants gain access to supportive services available within the community, but not require eligible applicants or participants to accept such supportive services as a condition of continued participation in the program; identify public and private funding sources to assist participants with disabilities in covering the costs of structural alterations and other accessibility features that are needed as accommodations for their disabilities; not deny other housing opportunities to persons who qualify for an HCV under this program other housing opportunities, or otherwise restrict access to PHA programs to eligible applicants who choose not to participate; provide housing search assistance (24 CFR Section 8.28 (a) (3); in accordance with rent reasonableness requirements, approve higher rents to owners that provide accessible units with structural modifications for persons with disabilities (24 CFR Section 8.28 (a) (5); and provide technical assistance, through referrals to local fair housing and equal opportunity offices, to owners interested in making reasonable accommodations or units accessible to persons with disabilities.

33. Project Based Vouchers

The Authority will consider proposals for project based voucher (PBV) assistance for housing assisted under federal, state, or local government housing assistance, community development, or supportive services program that requires competitive selection of proposals (such as HOME or LIHTCs), where the proposal has been selected in accordance with such programs competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance. The Authority at its sole discretion, will also consider proposals for PBV assistance for units currently assisted under the Project Based Certificate (PBC) program as those projects assistance contracts expire.

The Authority will allocate no more than 5 percent of its Housing Choice Voucher inventory to PBV contracts at any one time (maximum 41 units), and will limit the number of PBV units awarded to 25 % of a projects total units. Initial PBV contracts will be for no longer than 15 years, with an option for renewal at the discretion of the Authority if continued assistance is necessary to meet the goals of long term affordability or to expand housing opportunities. Proposals will be considered on a first come, first served basis.

To be considered for PBV assistance, the PBV assistance must be necessary for the long term affordability of the project or to expand housing opportunities for the Authority's Housing Choice Voucher applicants and participants. Proposals must establish the project meets all HUD requirements for PBVs including but not limited to eligible housing (983.53 and 983.54), cap on number of PBV units in each building (983.56), and site selection standards (983.57). Requests for assistance should include a narrative and supporting documentation as to how the project complies with the above requirements. PBC units being converted must comply with Notice PIH 2010-8 in addition/in lieu of the regulations at 24 CFR 983 as applicable.

The Authority's site selection criteria is attached to this policy as an addendum, and is based on 983.57 to ensure compliance with HUD's PBV goals of expanding affordability and deconcentrating poverty.

Selection procedures for PHA owned units will be made in accordance with the requirements at 983.51 (e) and 983.59, regarding HUD field office review of selection, and independent entity establishment of reasonable rents and inspections.

(34) Live-in aides (including family members) are defined as follows: must be essential to the care and well-being of a resident; must not be obligated for support of the resident; and would not be living in the unit except to provide necessary support and services. A live-in aide (including family members) must meet this definition in order to be approved by the Housing Authority.

The requirements for a resident being permitted to have a live-in aide are as follows:

- The resident must supply a doctor's statement providing adequate information of resident's need for a live-in aide;
- Non-family members must demonstrate that they either have a license/certification or an appropriate reference from a previous or current employer showing that they have the appropriate skills and qualifications to act as a live-in aide;
- A family member acting as a live-in aide is exempt from the requirement of showing a license/certification or appropriate reference from a current employer. Nevertheless, the family member must show they have the appropriate skills and qualifications to act as a live-in aide upon the discretion of the Housing Authority management.
- Must have a criminal history check, housekeeping check, and other tenant screening requirements performed on all adult household members;
- Aides must sign a live-in aide statement;
- The aide will not qualify the resident for transfer to a larger unit;
- The aide's income will not be used to calculate the rent;
- The aide will not be entitled to continue occupancy of the unit as a remaining family member; and
- A resident must sign a live-in aide addendum to the lease.
- As to temporary aides, each temporary aide must sign in and sign out with the Housing Authority every day as practical. If the daily aide arrives or departs outside business hours, the daily aide must contact the Housing Authority the next day to advise of their time arrival/departure.

35. **HOUSING AUTHORITY OF THE CITY OF PERTH AMBOY**

Application for the Section 8 Program

Name: Last _____ First _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone: (____) _____ Day (____) _____ Evening.

Race/Ethnicity: [For statistical purposes only. Required by HUD]

- 1. White () Black () American Indian () Asian ()
- 2. Hispanic () Non Hispanic ()

Preference Status:

- 1. () Displaced by fire, flood, natural disaster, or government action
- 2. () Involuntary Displacement 3. () Living in Substandard Housing
- 4. () Paying more than 50% of monthly family income for rent

Is any family member a U.S. Veteran? () Yes () No

Who? _____

Does the head of household or spouse work in Perth Amboy? () Yes () No

Family Data:

Name	Relation to Head	Sex	Age	Date of Birth	Social Security Number
1.	Head				
2.					
3.					
4.					
5.					
6.					
7.					

