

***ADMISSIONS & CONTINUED OCCUPANCY POLICY
FOR THE
PUBLIC HOUSING PROGRAM
OF THE
TOWNSHIP OF NORTH BERGEN***

Date Adopted: _____ Resolution No.: _____

INTRODUCTION

This document defines the admissions and continued occupancy policies pertaining to the Public Housing operations of the North Bergen Housing Authority, hereinafter referred to as the "Housing Authority" or "PHA" or "HA".

References herein to the "Administrative Offices of the Housing Authority" relate to the HA offices located at 6121 Grand Avenue, North Bergen, New Jersey 07047.

The jurisdiction of the HA referred to herein is, the Township of North Bergen.

The term "local resident(s)", as used herein, refers to a resident(s) of the Township of North Bergen.

If there is any conflict between the policies set forth herein and the laws or regulations of the State of New Jersey, the said laws and regulations will prevail.

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ATTACHMENTS:

GLOSSARY

ACRONYMS

ADDENDA No. 1 Non-Discrimination and Reasonable Accommodations Policy with Regard
to Persons with Disabilities.

No. 2 Live-In- Aide Policy

LIST OF DOCUMENTS INCORPORATED HEREIN BY REFERENCE:

HUD Occupancy Handbook

HUD NOTICES PIH 2016-5 and 6 (HA) Guidance re Streamlined ACOP Rules

HUD NOTICE PIH 2015-19 (HA) Guidance concerning exclusion of arrest records

HUD NOTICES 2013-04, 13 and 23 (HA) Guidance EIV income verification System

Application Form for Public Housing Admission

Americans With Disabilities Act Policy

Anti-Discrimination Policy

Equal Housing Opportunity Policy

Criminal Activity and Drug and Alcohol Abuse Screening Policies and Procedures

Public Housing Flat Rent Policy

Public housing Oxygen Use Policy

Residents Overnight Guests Visitation Policy and Procedures

Pet Policy

Housekeeping Rules

Pest Control Policy

Facilities Use Policy

Handicapped/disabled Parking Policy

No Smoking Policy

Tenant Grievance Policy

Natural Disaster Response Guidelines

Violence Against Women Act (VAWA) Policy w/ Appendix: Emergency Transfer Plan
for victims of Domestic Violence, Dating Violence, Sexual Assault, or
Stalking

ADMISSIONS AND CONTINUED OCCUPANCY POLICY

1.0 NON-DISCRIMINATION, FAIR HOUSING AND EQUAL OPPORTUNITY

It is the policy of the Housing Authority to fully comply with all applicable Federal, State and local laws, rules and regulations pertaining to non-discrimination, fair housing and equal opportunity.

No person shall, on the grounds of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability, sexual orientation, or other characteristic or trait protected by law be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the programs, projects and activities administered by the Housing Authority.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority will provide Federal/State/local information to applicants/tenants of the Housing Authority regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Housing Authority management will also provide applicable discrimination complaint forms to all applicants and tenants requesting same, and assist them in completing and filing such forms with the appropriate agency(ies). In addition, the Housing Authority will provide information regarding its reasonable accommodations policy, process and procedures to all applicants and tenants with disabilities.

All written information and advertisements published by the Housing Authority and pertaining to the subjects of non-discrimination, fair housing and equal opportunity, will contain the appropriate Equal Opportunity language and logo.

A final rule and related guidance issued by HUD on October 14, 2016 created liability for housing providers (including Public Housing and Section 8 assisted housing programs) under the Fair Housing Act, in instances of "quid pro quo harassment" or "hostile environment harassment". This rule prohibits harassment related to quid pro quo and hostile environment, and formalizes standards for evaluating claims of quid pro quo and hostile environment harassment in the housing context. In addition, it provides specific guidance concerning how methods of proof apply with regard to disparate treatment and discriminatory effects in fair housing careers, in which adverse housing actions are based on limited English proficiency (LEP).

In the case of Public Housing and Section 8 assisted housing providers, ***quid pro quo harassment*** refers to an unwelcome request or demand to engage in conduct where submission to the request or demand, either explicitly or implicitly, is made a condition related to: The rental or availability of a dwelling; the terms, conditions, or privileges of the rental, or the provision of services or facilities in connection therewith; or the availability, terms, or conditions of a residential real estate transaction. An unwelcome request or demand may constitute quid pro quo harassment even if a person acquiesces in the unwelcome request or demand.

In the case of Public Housing and Section 8 assisted housing providers, **hostile environment harassment** refers to unwelcome conduct that is sufficiently severe or pervasive as to interfere with: The availability, rental, or use or enjoyment of a dwelling; the terms, conditions, or privileges of the rental, or the provision or enjoyment of services or facilities in connection therewith; or the availability, terms, or conditions of a residential real estate-related transaction. Hostile environment harassment does not require a change in the economic benefits, terms, or conditions of the dwelling or housing-related services or facilities, or of the residential real-estate transaction.

Whether hostile harassment exists depends upon the totality of the circumstances. Factors to be considered to determine whether hostile environment exists include, but are not limited to, the nature of the conduct, the context in which the incident(s) occurred, the severity, scope, frequency, duration, and location of the conduct, and the relationship of the persons involved. Neither psychological nor physical harm must be demonstrated to prove that a hostile environment exists. Evidence of psychological or physical harm may, however, be relevant in determining whether a hostile environment existed and, if so, the amount of damage to which an aggrieved person may be entitled. Whether unwelcome conduct is sufficiently severe or pervasive as to create a hostile environment is evaluated from the perspective of a reasonable person in the aggrieved person's position.

Notes:

1. Harassment can be written, verbal, or other conduct, and does not require physical contact.
2. A single incident of harassment because of race, color, religion, sex, familial status, national origin, handicap, or mother characteristic or ntrait protected by law may constitute a discriminatory housing practice, where the incident is sufficiently severe to create a hostile environment, or evidences a quid pro quo.
3. Quid pro quo and hostile environment because of race, color, religion, sex, familial status, national origin or handicap may violate sections 804, 805, 806 or 818 of the Fair Housing Act, depending on the conduct. The same conduct may violate one or more of these provisions.
4. A person is directly liable for failing to take prompt action to correct and end a discrimanatory housing practice by a third-party, where the person knew or should have known of the discriminatory conduct and had the power to correct it. The power to take prompt action to correct a discriminatory housing practice by a third-party depends upon the extent of the control or any other legal responsibility the person may have with respect to the conduct of such third-party.
5. The affirmative defense to an employer's vicarious liability for hostile environment harassment by a supervisor under Title VII of the Civil Rights Act of 1964 does not apply to cases brought pursuant to the Fair Housing Act.

2.0 REASONABLE ACCOMMODATIONS FOR APPLICANTS AND TENANTS WITH DISABILITIES

See Addenda No. 1 hereof for the Housing Authority's policy regarding Reasonable Accommodations for Appicants and Tenants With Disabilities.

Anyone requesting an application for admission to the Housing Authority's public housing program will be advised of the Authority's reasonable accommodations policy for persons with disabilities.

2.1 LIVE-IN-AIDE POLICY

See Addenda No. 2 hereof for the Housing Authority's Live-In-Aide Policy.

3.0 INTERPRETIVE SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS & RESIDENTS

The Housing Authority will endeavor to have bilingual staff or access to people who speak Spanish and other non-English languages in order to assist non-English speaking applicants and tenants.

4.0 MARKETING DWELLING UNITS

The Housing Authority will publicize in local newspapers of general circulation, by minority media, and other suitable means, the availability of public housing units for occupancy by eligible extremely low-income, very low and low-income families and individuals. To reach people who cannot or do not read newspapers, the Housing Authority will distribute public service announcements to local broadcasting media, community service agencies and civic organizations for distribution to the general public. The Authority will also initiate personal contact with members of the news media and community service personnel and inform them of the status of housing availability, eligibility factors and guidelines for application so that they can make proper referrals to the Authority's public housing program.

5.0 APPLICANTS AND TENANTS RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to sign HUD form 9886, Authorization for Release of Information and Privacy Act Notice, which notice states how family information will be released and includes the Federal Privacy Act Statement. Request for applicant or tenant information will not be honored unless there is a signed release of information request from the applicant or tenant.

6.0 REQUIRED HOUSING AUTHORITY POSTINGS

The Housing Authority will post the following information in each of its management offices in conspicuous places and at heights at which they can easily be read by all persons, including those with mobility disabilities:

- The Authority's Admission and Continued Occupancy Policy.
- Income limits for admission to public housing.
- Notice of Waiting List status (open or closed).

- A listing of all housing projects managed by the Housing Authority, including project names, addresses, management office hours, management and maintenance office telephone numbers, TDD numbers, locations and operational hours of community facility spaces, and the number of units designated with special accommodations for persons with disabilities.
- Current Schedule of Maintenance Charges.
- Where applicable, current schedule of Excess Utility Charges.
- Where applicable, Utility Allowance Schedule.
- Form of Dwelling Lease.
- Resident Grievance Policy.
- Fair Housing Poster.
- Equal Opportunity Employment Poster.
- All current Housing Authority notices applicable to residents of the Authority.

7.0 APPLICATIONS FOR ADMISSION TO PUBLIC HOUSING PROGRAM

Eligible applicants wishing to apply for residency will be required to complete an application for admission. The Housing Authority will provide advance public notice of the eligibility requirements for admission, the date(s), time and place at which applications may be obtained and the deadline for return of completed applications to the Housing Authority for processing purposes.

Applications for admission to residency are taken to compile a waiting list for rental of apartments that may become available as a result of turnover. Due to the demand for housing in the Authority's jurisdiction, the Authority may take applications on an open enrollment basis, depending on the length of the waiting list.

Applications for disabled persons will be mailed to them upon request.

Completed applications will be dated and time stamped upon receipt by the Housing Authority.

Persons with disabilities who require a reasonable accommodation in order to complete an application for admission may call the Housing Authority to make special arrangements.

The application process involves two phases. The first phase is the initial or pre-application for housing assistance. The pre-application requires that the applicant provide limited basic information establishing any preferences to which they may be entitled.

Upon receipt of the applicant's pre-application, the Housing Authority will make a preliminary determination of eligibility; and will notify the applicant in writing of the date and time of applicant's placement on the waiting list, and the approximate wait time before housing may be offered. If the Authority determines that the family is ineligible

for housing assistance, they will notify the applicant of same in writing and state the reasons therefore and, in addition, will offer the applicant the opportunity of an informal review of the determination of ineligibility.

Applicant's may report changes in their applicant status at any time, including, but not limited to, changes in family composition, income, or preference factors. The Housing Authority will annotate the applicant's file and will update their place on the waiting list. The changes will be confirmed in writing by the Housing Authority.

The second phase of the application process involves the final determination of eligibility, referred to as the full application phase. The full application phase takes place when the family nears the top of the waiting list. During this phase in the application process the Housing Authority will seek to verify applicant preferences, eligibility, and suitability selection factors in order to make a final determination regarding an applicant's eligibility for admission into public housing residency.

8.0 ELIGIBILITY REQUIREMENTS FOR ADMISSION TO PUBLIC HOUSING

There are five basic eligibility requirements for admission to residency in Public Housing owned and managed by the North Bergen Housing Authority: 1) The applicant household must qualify as a family; 2) the applicant's annual household income must be within the Housing Authority's established income limits; 3) the applicant household must meet the established citizenship/eligible immigrant criteria; 4) the applicant must provide documentation of household Social Security numbers; and 5) applicant household members must sign consent authorization documents. In addition, to the basic eligibility criteria, the applicant household must also meet the Housing Authority's suitability screening criteria in order to be admitted to public housing.

The following Information pertains to the aforesaid eligibility criteria:

Applicants Must Meet Family Eligibility Requirement- In order to qualify as a family the household must be one of the following types:

- A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship. Children absent from the home due to placement in foster care are considered family members. Unborn children and children in the process of being adopted are considered family members for the purpose of determining income limit.
- An elderly family, which is: 1) a family whose head, spouse or sole member is a person who is at least 62 years of age; or 2) two or more persons who are at least 62 years of age and living together; or 3) one or more persons who are at least 62 years of age living with one or more live-in-aides.
- A near-elderly family, which is: A family whose 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.

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- A disabled family, which is: A family whose head of household, 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 displaced family, which is: A family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws, or who has been displaced as a result of domestic violence perpetuated against them.
- A remaining member of a Housing Authority tenant family.
- A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

Applicants Must Meet Income Eligibility Requirement – In order to be eligible for admission to public housing an applicant's household income must be within the Housing Authority's HUD established low-income limits, which include limits for extremely low-income families whose income does not exceed the higher of 30 percent of area median income or the poverty level, very low-income families whose income does not exceed 50 percent of area median income, and low-income families whose income does not exceed 80 percent of area median income. These limits apply only to housing admission, and are not applicable for continued occupancy.

A family may not be admitted to the North Bergen Housing Authority's public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income requirement for admission to the North Bergen Housing Authority's public housing program.

Applicants Must Meet Citizenship Eligibility Requirement- In order to be eligible for admission to the public housing program each member of an applicant household must be a citizen, national or noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980, as amended to date, (see 42 U.S.C. 1436a(a)). Unless exempt under the cited statute, a family shall not be eligible for admission unless every member of the family who propose to reside in the assisted housing unit is determined to have eligible status.

Applicants Must Meet Social Security Information Requirement- In order to be eligible for admission to public housing, all family members 6 years of age and older must provide a Social Security number or certify that they do not have one. If a child under 6 years of age was added to the applicant family in the six-month period prior to the household's date of admission as a program participant, then documentation verifying the child's Social Security information need only be supplied within 90 days following the date of admission. One additional 90 day extension may be added, if the Applicant's failure to meet the first timeline was outside his or her control.

Applicants Must Sign Consent Authorization Documents- In order to be eligible for admission to public housing, the applicant head of household and his/her spouse, and

other members of the applicant household who are at least 18 years of age, must sign

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consent forms authorizing the Housing Authority to obtain information needed to verify information provided by the applicant and to determine applicant's eligibility for admission. The consent forms must contain, at a minimum, a provision authorizing the Housing Authority to obtain the aforesaid information from responsible parties and agencies such as current employers, pension fund administrators, SSA, IRS, wage information collection agencies, banking institutions, credit agencies, law enforcement agencies, etc. The signed consent forms must also clearly state that the authorization provided thereunder to release requested information shall expire 15 months after the consent form is signed.

Applicants Must Meet Suitability Screening Criteria- Applicant's will be evaluated to determine whether, based on their past or current practices and/or behavior, they could reasonably be expected to comply with the Housing Authority's Dwelling Lease requirements and house rules. The Housing Authority will look at the past conduct of an applicant as an indicator of future conduct. Emphasis will be placed on whether an applicant's admission could reasonably be expected to have a detrimental effect on the management of the Housing Authority's residential properties or the residents who reside therein.

Otherwise eligible applicants will be denied admission if they fail to meet the suitability criteria.

The Housing Authority will consider objective and reasonable aspects of an applicant's background in its evaluation of past or current practices and/or behavior, including, but not limited to the following: 1) An applicant's history of meeting financial obligations, especially the timely payment of rent; 2) an applicant's ability to independently or with assistance, maintain their dwelling unit in a decent, safe and sanitary condition based on living or housekeeping habits, and whether such habits could adversely affect the health, safety, or welfare of other tenants.

The Housing Authority will also consider the following factors in its determination of an applicant's suitability for residency: 1) Any history of criminal activity by an applicant or a member of the applicant's household involving crimes of physical violence against persons or property and any other criminal activity, including drug-related criminal activity, that would adversely affect the health, safety or well-being of residents of the Housing Authority, or cause damage to the property; 2) any history of an applicant's having committed fraud in connection with any housing assistance program, including the intentional misrepresentation of information related to their application for housing assistance or benefits derived therefrom; and 3) any history of an applicant or member of an applicant's household having abused alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others of residency in the Housing Authority development.

The Housing Authority will ask applicant's to provide information demonstrating their ability to comply with the essential elements of the lease. The Housing Authority will verify the information provided. Such verification may include but may not be limited to the following:

- A credit check of the head, spouse and co-head;
- A rental history check of all adult family members;
- A criminal background check on all adult household members, including live-in aides. This check will be made through State or Local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, the Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
- A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This inspection considers cleanliness and care of rooms, appliances, and appurtenances. The inspection may also consider any evidence of criminal activity; and
- A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

9.0 GROUNDS FOR DENIAL OF ADMISSION TO PUBLIC HOUSING

The grounds for denial of admission are as follows:

- The Housing Authority **will** deny admission to applicants who do not meet any one or more of the eligibility criteria; or who failed to supply information or documentation required by the application process; or failed to respond to a written request for information or a request to declare their continued interest in the program; or who have a history of not meeting financial obligations, especially rent; or do not have the ability to maintain (with assistance) their housing in decent and safe condition, and where the lack of such ability could adversely affect the health, safety, or welfare of the other tenants; or who have a history of disturbing neighbors or destruction of property; or currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 programs; or have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived therefrom; or who were evicted from assisted housing for any reason within five years of the projected date of admission; or who have a household member who has been terminated under the Section 8 voucher program for any reason within five years of the projected date of admission; or who has engaged in or threatened abusive or violent behavior towards any Housing

Authority staff or residents.

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- The Housing Authority **will** prohibit admission of an applicant for five years if any household member was evicted from federally assisted housing for drug-related criminal activity. The five years begins on the date of eviction. The Housing Authority, **may** as its discretion, admit such household if the person has successfully completed an approved supervised drug rehabilitation program or if the circumstances leading to the eviction no longer exist.
- The Housing Authority **will** permanently prohibit/deny admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- The Housing Authority **will** prohibit admission if any household member is currently engaging in illegal drug use or if the Housing Authority has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- The Housing Authority **may** prohibit admission if any household member is currently engaged in or has been engaged in during a reasonable time before application for admission (within 5 years) certain other criminal activity, including, but not limited to, other drug-related criminal activity (involving the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance), violent criminal activity, other criminal activity which may threaten the health and safety of residents or persons residing in the immediate vicinity, owners or owners' employees, contractors or agents, or that would threaten residents right of peaceful enjoyment of the premises.
- The Housing Authority **will** prohibit admission of a household that has a member who is subject to lifetime registration as a sex offender under a State registration program. The Housing Authority **will** carry out sex offender's registration checks in the State of New Jersey and any state in which the members of the applicant household are known to have resided.
- The Housing Authority **will** deny admission of an applicant or a member(s) of an applicant household who has committed an act or acts of domestic violence, dating violence, sexual assault or stalking.
- ***The Housing Authority will prohibit*** admission if there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety or peaceful enjoyment of the premises by other residents.

9.1 HOUSING AUTHORITY DISCRETION REGARDING DENIAL OF ADMISSION

In the process of determining denial of admission of an applicant on the grounds of drug and/or alcohol abuse, the Housing Authority **may** consider in accordance with its policies,

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practices, and procedures, evidence that might indicate reasonable probability of favorable future conduct by the drug and/or alcohol abuser(s) in the applicant household, such as evidence of rehabilitation or evidence of participation in or willingness to participate in counseling for drug and/or alcohol abuse).

In determining denial of admission on the grounds of criminal conduct, the Housing Authority **will** target only household members whose criminal records indicates prior arrest or conviction for activities that may be grounds for denial of assistance.

In determining denial of admission on the grounds of drug and/or alcohol abuse, criminal conduct, or suitability grounds the Housing Authority **will** consider all relevant information, including records of criminal history, violent activity toward others, wanton destruction of property, drug and/or alcohol abuse, and prior tenancy records, including those related to housekeeping habits and relationships with prior landlords and neighbors. If the Housing Authority receives unfavorable information with respect to an applicant, consideration **will** be given to the time, nature, and extent of the applicant's conduct, and the seriousness of the offense.

In the case of denial on suitability grounds, the Housing Authority **will** consider evidence of rehabilitation and/or evidence of the family's willingness to participate in social service or other counseling programs.

If a household member has committed acts that would require denial of admission, the Housing Authority **may** require the household to exclude the offending family member in order to be eligible for admission to the program.

Where the Housing Authority prohibits admission for a prescribed time after some disqualifying behavior, the Housing Authority **may** choose to continue the prohibition for a longer period of time.

The Housing Authority's admission actions **must** be consistent with fair housing and equal opportunity provisions at all times.

9.2 INFORMAL REVIEW OF ADMISSION DENIALS

If the Housing Authority determines that an applicant does not meet the criteria for receiving public housing assistance, the Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision; state that the applicant may request an informal review of the decision within 10 business days of the denial, and include a copy of the Housing Authority Informal Review Procedures.

After a review date is agreed to, the applicant may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the applicant.

9.3 PROCEDURES FOR INFORMAL REVIEW OF ADMISSION DENIALS AND TENANT GRIEVANCE HEARINGS

The Housing Authority's procedures for both informal review of applicant admission denials and tenant grievance hearings are as follows:

Informal reviews of tenant admission denials and tenant grievance hearings may be conducted by any person or panel of persons designated by the Housing Authority, other than a person(s) who made or approved the decision under review or a subordinate of such person or persons

Applicants have the right to:

- Present written or oral objections to the Housing Authority's determination;
- Examine the documents in the file, which are the basis for the Housing Authority's action;
- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issue(s) of the review/hearing;
- Request that Housing Authority staff be available or present at the review/hearing to answer questions pertinent to the issue(s); and
- Be represented by legal counsel, advocate, or other designated representative at his or her own expense.

If the applicant/tenant requests copies of documents relevant to the review/hearing, the Housing Authority will make the copies available and assess a charge for the copy service based upon the Authority's current fee schedule. In no case will the applicant/tenant be allowed to remove the review/hearing file or documents therein from the Housing Authority's office.

The Housing Authority retains the right to:

- Present evidence and any information pertinent to the issue of the review/hearing;
- Be notified within 5 days of the review/hearing date if the applicant/tenant intends to be represented by legal counsel, advocate or another party;
- Prior to the review/hearing, examine and copy any documents to be relied upon

during the review/hearing by the applicant/tenant;

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- Have its attorney present at the review/hearing; and
- Have staff persons and other witnesses familiar with the issue(s) of the review/hearing present or on call during the review/hearing process.

The review/hearing shall concern only the issue(s) for which the applicant has received the opportunity for a review/hearing. Evidence presented at the review/hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented at the review/hearing which have not been provided to the other party before the review/hearing, if requested by the other party. "Documents" include records and regulations. The person(s) conducting the review may ask the applicant/tenant for additional information and/or might recess the review/hearing in order to reconvene at a later date, before reaching a decision.

The person(s) conducting the review/hearing will determine whether the decision of the Housing Authority is in accordance with HUD regulations and Housing Authority Policy. Factual determinations relating to the individual circumstances of the applicant/tenant will be based on preponderance of the evidence presented during the review/hearing process.

The Housing Authority will notify the applicant of its final decision within 14 calendar days after completion of the review/hearing process. The applicant/tenant will be informed of the reason(s) for the review/hearing officer's decision.

Notes: Written notification specifying the time, place, and the procedures governing a tenant grievance hearing will be delivered to the grievant/complainant and all other concerned persons within a reasonable time prior to the hearing date.

The Housing Authority will create and maintain a log of hearing officer decisions and make the log available to the hearing officer(s), prospective complainants and his/her representative. The log will include: the date of the hearing decision, the general reason for the grievance hearing, and whether the decision was in favor of the complainant or the Housing Authority.

9.4 INFORMAL REVIEW/HEARING PROCESS CONCERNING INS DECISIONS

The participant family may request that the Housing Authority provide for an Informal Review/Hearing after the family has received notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision. For the participant families, the Informal Review/Hearing Process set forth under Section 9.3 above will be utilized.

10.0 OPENING AND CLOSING WAITING LIST

All openings of the waiting list will be announced with a public notice stating that applications for public housing will again be accepted. The public notice will state where, when and how to apply. The notice will be published in a local newspaper of general circulation and also by any available minority media. The public notice will state any limitations and to whom they may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for public housing. The notice will include the Fair Housing logo and slogan and will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for what bedroom sizes and/or unit type. The public notice will be published in a local newspaper of general circulation and also by any available minority media.

10.1 ORGANIZATION OF WAITING LIST

The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file.
- Applicant Name.
- All applicants will be maintained in order of bedroom size, (number of bedrooms applicant qualifies for under Housing Authority standards); elderly/disabled; racial or ethnic designation of head of household, preference(s) claimed by applicant; and then in order of date and time of application.
- Any contacts between the Housing Authority and the applicant will be documented in the applicant file.

10.2 FAMILIES NEARING THE TOP OF WAITING LIST

When a family appears to be within three (3) months of being offered a unit, the family will be invited to an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The Housing Authority must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the preference(s) has been verified, the family will complete a full application, present Social Security number information (see page 5 hereof for relevant information pertaining to

Social Security numbers), citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

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10.3 PURGING THE WAITING LIST

The Housing Authority will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom the Housing Authority has current information, i.e. applicant's address, family composition, income category and preference(s).

10.4 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Housing Authority will not remove an applicant's name from the waiting list unless:

- The applicant requests in writing that the name be removed.
- The applicant fails to respond to a written request for information or a request to declare their continued interest in the program.
- The applicant does not meet either the eligibility or suitability criteria for the program.
- The applicants fails to keep a scheduled appointment with the Housing Authority.

Note: The Housing Authority will allow the family to reschedule a missed appointment for good cause. Generally, no more than one opportunity will be given to reschedule. When good cause exists for missing an appointment, the Housing Authority will work closely with the family to find a more suitable time.

10.5 NOTIFICATION OF REMOVAL OF APPLICANT FROM WAITING LIST

Any applicant whose name is being removed from the waiting list will be notified by the Housing Authority, in writing, that they have ten (10) calendar days from the date of the notice to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Housing Authority system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the Housing Authority will verify that there is in fact a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

11.0 TENANT SELECTION AND ASSIGNMENT OF DWELLING UNIT

11.1 TENANT SELECTION PREFERENCES

The Housing Authority will select families based on the following preferences within each bedroom size category:

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Preference No. 1 - Involuntarily Displaced Local Residents: Individuals or families residing within the jurisdiction of the Housing Authority involuntarily displaced by government action or whose dwelling has been extensively damaged or destroyed and is uninhabitable as a result of fire, flood or natural disaster, and for which such action was not the result of neglect or intentional act of the applicant or member of the applicant's household.

In order to receive the displacement preference, applicants who have been displaced must not be living in "standard, permanent replacement housing". Standard replacement housing is defined as housing that is decent, safe and sanitary according to Housing Quality Standards/Local housing code/other code, such as State or BOCA code that is adequate for the family size according to Housing Quality Standards/local/state/BOCA code, and that the family is occupying pursuant to a written or oral lease or occupancy agreement.

Standard replacement housing does not include transient facilities, hotels, motels, temporary shelters, and in the case of Victims of Domestic Violence housing occupied by the individual who engages in such violence. It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress. Shared housing with family or friends is not considered temporary and is considered standard replacement housing.

Preference No.2 - Displaced Local Residents Who Are Victims of Domestic Violence: Individuals or families residing within the jurisdiction of the Housing Authority that have been/are involuntarily displaced as a result of their having been subject to or victimized by violent acts of a member of their household within the past 6 months, The Housing Authority will require evidence that the family has been displaced as a result of fleeing violence in the home. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home. The following criteria are used to establish a family's eligibility for this preference:

Actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family. The actual or threatened violence must have occurred within the past 6 months or be of a continuing nature.

To qualify for this preference, the abuser must still reside in the unit from which the victim was displaced.

The applicant must certify that the abuser will not reside with the applicant. If the abuser returns to the family household the Housing Authority will terminate the public housing assistance for breach of this certification.

Preference No.3 - Residents Who Live and Work in the Housing Authority's Jurisdiction:

This preference is extended to individuals or families who can prove that they live and work in the Housing Authority's jurisdiction at the time of offer of public housing assistance.

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Families who live and worked in the Township of North Bergen but were unable to continue such work due to age or disability automatically qualify for this preference.

Preference No. 4 – Residents Who Live in the Jurisdiction of the Housing Authority and whose Head of Household or Spouse was Honorably Discharged from the Armed Forces of the United States:

This preference shall be granted to an applicant head of household or spouse who was honorably discharged from the armed forces of the United States. This preference shall also be granted to an applicant head of household whose spouse lost his or her life while serving as a member of the Armed Forces of the United States, or whose spouse has been listed as "Missing in Action (MIA)" while serving as a member of the Armed Forces of the United States. Applicants claiming this preference must provide, at the time of application, documentation evidencing their claim (e.g. form DD214).

Preference No.5 – Residents Who Live in the Jurisdiction of the Housing Authority: This preference is extended to individuals or families who can prove that they live/reside in the Housing Authority's jurisdiction at the time of offer of public housing assistance.

Preference No.6 – All other applicants.

All families in Preference No. 1 will be offered housing before any families in Preference Nos. 2 thru 6, all Preference No.2 families will be offered housing before any families in Preference Nos. 3 thru 6, all Preference No.3 families will be offered housing before any families in Preference Nos. 4 thru 6, all Preference No.4 families will be offered housing before any families in Preference Nos. 5 and 6, and all Preference No. 5 families will be offered housing before any families in Preference No. 6.

The date and time of application will be noted and utilized to determine the sequence within the above prescribed preferences.

Elderly or disabled individuals will be offered housing before other single persons.

Buildings Designated for the Elderly and Disabled: Preference will be given to elderly and disabled families. If there are no elderly or disabled families on the waiting list preference will then be given to near-elderly families. If there are no near-elderly families on the waiting list, units will be offered to families who qualify for the appropriate bedroom size using these priorities. All such families will be selected from the waiting list using the preferences as outlined above.

Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they

will accept a transfer (at their own expense) if, at a future time, a family requiring a unit with accessible feature applies. Any family required to transfer will be given a 30-day notice.

11.2 ASSIGNMENT OF DWELLING UNIT

The following guidelines will determine each family's unit size without overcrowding or over-housing:

NUMBER OF BEDROOMS	NUMBER OF PERSONS TO BE ASSIGNED	
	MINIMUM	MAXIMUM
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Zero bedroom units will only be assigned to one-person families. Two adults will share a bedroom unless related by blood.

In determining bedroom size, the Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care.

In addition, the following consideration may be taken in determining bedroom size:

- Children of the same sex may share a bedroom.
- Children of the opposite sex, both under the age of ten (10) may share a bedroom.
- Adults and children will not be required to share a bedroom.
- Foster-adults and/or foster-children will not be required to share a bedroom with family members.
- Live-in aides will get a separate bedroom.

Exceptions to normal bedroom size standards include the following:

- Units smaller than assigned through the above guidelines - A family may request a smaller unit size than the guidelines show. The Housing Authority will allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for (3 years) or until the family size changes, whichever may occur first.
- Units larger than assigned through the above guidelines - A family may request a larger unit than the guidelines allow. The Housing Authority will allow the larger size unit if the family provides a verified medical need that the family be housed in a

larger unit.

- If there are no families on the waiting list for a larger size unit, smaller families may be housed if they sign a release form stating they will transfer (at the family's own

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expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.

- Larger units may be offered in order to improve the marketing of a development suffering a high vacancy rate.

11.3 SELECTION OF TENANT FROM WAITING LIST

The Housing Authority shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be extremely low-income families. An extremely low-income family is defined as a very-low income family whose income does not exceed the higher of 30 percent of area median income or the poverty level. To insure this requirement is met the Authority shall monitor on a quarterly monitor basis the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If there are not enough extremely low-income families on the waiting list we will conduct outreach of a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

11.4 TENANT DECONCENTRATION/INCOME MIXING POLICY

It is the policy of the Housing Authority to provide for deconcentration of poverty and encourage income mixing by bringing higher income families into lower income housing developments and lower income families into higher income housing developments. Toward this end, we will skip families on the waiting list to reach other families with a lower or higher income. We will accomplish this in a uniform and non-discriminating manner.

The Housing Authority will affirmatively market its housing to all eligible groups. Lower income residents will not be steered toward lower income developments and higher income people will not be steered toward higher income developments.

Prior to the beginning of each fiscal year, we will analyze the incomes levels of the families residing in each of our housing developments, the income levels of census tracts in which our developments are located, and the income limits of the families on the waiting list. Based on this analysis, we will determine the level of marketing strategies and deconcentration incentives to implement. The Authority may offer one or more incentives to encourage applicant families whose income classification would help to meet the deconcentration goals of a particular housing development. Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and non-discriminatory manner.

11.5 DWELLING UNIT OFFER

When Management discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for this type of unit or whose income

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category would help to meet our income targeting goals. Management will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given ten (10) business days from the date the letter was mailed to contact Management regarding the offer.

11.6 REJECTION OF DWELLING UNIT OFFER

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, the Housing Authority will send the family a letter documenting the offer and the rejection.

If in making the offer to the family the Housing Authority skipped over other families on the waiting list in order to meet their deconcentration goals or offered the family any other deconcentration incentive and the family rejects the unit, the family will not lose their place on the waiting list and will not be otherwise penalized.

If the Housing Authority did not skip over other families on the waiting list to reach this family, did not offer any other deconcentration incentive, and the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preference(s), but the date and time of application will be changed to the date and time the unit was rejected.

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health, proximity to work, school, and childcare (for those working or going to school). The family will be offered the right to an informal review of the decision to alter their application status.

11.7 ACCEPTANCE OF DWELLING UNIT OFFER

Upon acceptance of a dwelling unit offer the family will be required to sign a lease that will become effective no later than three (3) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later.

All family heads of household and other adult family members are required to attend a Lease and Occupancy Orientation prior to occupancy. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, may result in the withdrawal of the lease offer.

The applicant will be provided a copy of the lease, the grievance procedures, utility allowances (if any), utility charges (if any), the current schedule of routine maintenance

charges, and where applicable a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have

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received these documents and reviewed them with Housing Authority personnel. The certification will be filed in the applicant's tenant file.

The signing of the lease and the review of financial information are to be privately handled. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and the Housing Authority will retain the original executed lease in the tenant's file. A copy of the grievance procedures will be attached to the resident's copy of the lease.

11.8 TENANT SECURITY DEPOSIT

The family will pay a security deposit at the time of lease signing. The security deposit will be equal to the Total Tenant Payment or \$100.00, whichever is greater.

In exceptional situations, the Housing Authority reserves the right to allow a new resident to pay their security deposit in up to three (3) payments. One third shall be paid in advance, one third with their second rent payment and one third with their third rent payment. This shall be at the sole discretion of the Housing Authority.

In the case of a move within public housing, the security deposit for the first unit will be transferred to the second unit. Additionally, if the security deposit for the second unit is greater than that of the first, the difference will be collected from the family. Conversely, if the security deposit is less, the difference will be refunded to the family.

In the event there are costs attributable to the family for bringing the first unit into condition for re-renting, the family shall be billed for these charges.

12.0 ANNUAL INCOME

To determine annual income, the Housing Authority counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Housing Authority subtracts all allowable deductions(allowances) to determine the Total Tenant Payment.

Annual income means all amounts, monetary or not, that:

- Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- Are anticipated to be received from a source outside the family during the 12 month period following admission or annual reexamination effective date; and
- Are not specifically excluded from annual income.

Annual income includes, but is not limited to:

- The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.

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- The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is a reimbursement of cash or assets invested in the operation by the family.
- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets on the current passbook savings rate, as determined by HUD.
- The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- Payments in lieu of earning, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- Welfare assistance payments.

If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of: The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to

be paid by the family will not be decreased. In such cases, the amount of income

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attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.

- Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- All regular pay, special pay, and allowances of a member of the Armed Forces. Special pay to a member exposed to hostile fire is excluded.

12.1 ANNUAL INCOME EXCLUSIONS

In addition to the exclusions from income cited under Section 12.0, annual income does not include the following:

- Income from employment of children (including foster children) under the age of 18 years.
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
- Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses.
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
- Income of a live-in aide.
- The full amount of student financial assistance paid directly to the student or to the educational institution for the purpose of covering the student's tuition. The definition of tuition includes mandatory education fees, therefore financial assistance used to pay mandatory education fees will not be considered income. Mandatory education fees often include, but are not limited to student service fees, student association fees, student activity fees, and laboratory fees.

Note: Education assistance in excess of the amounts needed for tuition, including mandatory fees, is to be counted as income for the purpose of determining eligibility for admission to the public housing program.

- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

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- Amounts received from the following:
 - Training programs funded by HUD;
 - Income received, such as stipends, wages, transportation payments, and child care vouchers, pursuant to a job-training program. This exclusion is allowed only during the job-training program. See HUD Handbook 4350.3, Ch.3.
 - Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - 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.), and that are made solely to allow participation in a specific program;
 - Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200.00 per month) received by a resident for performing a service for the Housing Authority, on a part-time basis, that enhances the quality of life in the housing development. 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.
 - Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member 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 the period during which the family member participates in the employment training program.
 - Temporary, nonrecurring or sporadic income (including gifts).
 - Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
 - Earnings in excess of \$480.00 for each full-time student 18 years old or older (excluding the head of household and spouse).
 - Adoption assistance payments in excess of \$480.00 per adopted child.

- Earnings and benefits to any family member resulting from participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Housing Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
 - ❖ Comparable Federal, State or local law means a program providing employment training and supportive services that are authorized by a Federal, State or local law, are funded by the Federal, State or local government, are operated or administered by a public agency, and has as its objective – assisting participants in acquiring employment skills.
 - ❖ Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
 - ❖ Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

Note: While HUD regulations allow for the Housing Authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this Housing Authority to provide the exclusion in all cases.

- Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
- 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;
- Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - ❖ The value of the allotment of food stamps.

- ❖ Payments to volunteers under the Domestic Volunteer Services Act of 1973.

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- ❖ Payments received under the Alaska Native Claims Settlement Act.
- ❖ Income from submarginal land of the U.S. that is held in trust for certain Indian tribes.
- ❖ Payments made under HH's Low-Income Energy Assistance Program.
- ❖ Payments received under the Job Training Partnership Act.
- ❖ Income from the disposition of funds of the Grand River Band of Ottawa Indians.
- ❖ The first \$2000.00 per capita received from judgment funds awarded for certain Indian claims.
- ❖ Amount of scholarships awarded under Title IV including Work Study.
- ❖ Payments received under the Older Americans Act of 1965.
- ❖ Payments from Agent Orange Settlement.
- ❖ Payments received under the Maine Indian Claims Act.
- ❖ The value of child care under the Child Care and Development Block Grant Act of 1990.
- ❖ Earned income tax credit refunded payments.
- ❖ Amounts earned by temporary census employees, provided the terms of employment do not exceed 180 days.

Note: The Housing Authority will not provide exclusion from income that are not allowed by HUD regulations..

12.2 ANNUAL INCOME DEDUCTIONS

The following deductions will be made from annual income:

- \$480.00 for each dependent;
- \$400.00 for any elderly family or disabled family;
- For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the

employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.

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- For any elderly or disabled family:
 - That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medial expenses exceed 3% of annual income;
 - That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with the above cited method, plus an allowance for medical expenses that equal the family's medical expenses;
 - That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
- Child care expenses.

13.0 VERIFICATION

The Housing Authority will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations, full time student status of family members 18 years of age and older, Social Security numbers and citizenship/eligible non-citizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

13.1 ACCEPTABLE METHODS OF VERIFICATION

The Housing Authority will verify information through the four methods of verification acceptable to HUD, in the following order:

1. Third-Party Written
2. Third-Party Oral
3. Review of Documents
4. Certification/Self-Declaration

The Housing Authority will allow 4 weeks for return of third-party verifications and 3 weeks to obtain other types of verifications before going to the next method.

For applicants, verifications may not be more that 60 days old at the time of admission. For Housing Authority residents they are valid for 120 days from date of receipt.

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. All family members 6 years of age and older

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must provide a Social Security number or certify that they do not have one. For citizenship, the family's certification will be accepted or documentation such as listed below will be required. The Housing Authority will utilize the INS Systematic Alien Verification for Entitlements (SAVE) system for both primary and secondary verification for citizenship and eligible immigration status. Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Housing Authority or automatically by another government agency. i.e., the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e., name, date of contact, amount received, etc.

The Social Security Administration (SSA) provides HUD with benefit information on all current participants and household members who have disclosed a valid social security number. HUD makes this information available to the Housing Authority, and the Authority uses it to verify SSI benefits of current participants and household members.

The Housing Authority will use HUD approved up-front verification techniques to facilitate computer – matching and for up-front verification purposes.

13.2 THIRD-PARTY WRITTEN VERIFICATION

Third-party verification is used to verify information directly with the source. Third-party written verification forms, letters and other documents will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Electronically transmitted third-party written verifications received from non-government sources will not be accepted by the Housing Authority.

The Housing Authority will not accept third-party verification forms, letters and other documents hand carried by the family under any circumstances, except for the following: the Housing Authority will accept computerized printouts from Social Security Administration, Veterans Administration, Welfare Assistance Agencies/Departments, Unemployment Compensation Board, and City, County, State or Federal Courts.

13.3 THIRD PARTY ORAL VERIFICATION

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a

Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third-party verification is not

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available the Housing Authority will compare the information to any documents provided by the family. If provided by telephone, the Housing Authority must originate the call.

13.4 REVIEW OF DOCUMENTS SUBMITTED BY FAMILY FOR VERIFICATION

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third-party within 4 weeks, the Housing Authority will notate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form.

The Housing Authority will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs.
- Signed letters (provided that the information is confirmed by phone), except letters from employers.
- Other documents noted in this Section as acceptable verification.

The Housing Authority will accept faxed documents, provided the originals of such document(s) are furnished within 5 working days after receipt of the faxed document(s).

The Housing Authority will not accept photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the Housing Authority will utilize the third-party verification.

13.5 FAMILY SELF-CERTIFICATION OF DOCUMENTS SUBMITTED FOR VERIFICATION

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement/affidavit/certification/statement under penalty of perjury, and must be witnessed.

13.6 AUTHORIZATION FOR RELEASE OF INFORMATION REQUIRED FOR VERIFICATION PURPOSES

The family will be required to sign specific authorization forms when information is needed

that is not covered by the HUD Authorization for Release of Information form.

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Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for review and signature.

Family refusal to cooperate with the Housing Authority's HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the Housing Authority in accord with the requirements of said system.

13.7 COMPUTER MATCHING OF INFORMATION SUBMITTED FOR VERIFICATION

Where allowed by HUD and/or other State or local agencies, computer matching will be performed.

13.8 ITEMS REQUIRED TO BE VERIFIED

Where applicable, the following items will be subject to verification by the Housing Authority:

- All income not specifically excluded by the regulations.
- Zero-income status of household.
- Full-time student status including high school students who are 18 or over.
- Income from assets.
- Family assets.
- Allowable deductions from income, including child care expense where it allows an adult family member to be employed or to further his/her education; family medical expenses in households where head or spouse is disabled; and disability assistance expenses which allow an adult family member to be employed.
- Non-financial factors.
- Disability for determination of allowances or deductions.
- U. S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members.
- Public Housing admission preferences.

- Familial/Marital status when needed for head or spouse definition.

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13.9 VERIFICATION OF INCOME

The methods the Housing Authority will use to verify various types of income are set forth below:

Employment Income -

Verification forms request the employer to specify the:

- Dates of employment.
- Amount and frequency of pay.
- Date of last pay increase.
- Likelihood of change of employment status, and effective date of any known salary increases during the next 12 months.
- Year to date earnings.
- Estimated income from overtime, tips, bonus pay expected during next 12 months.

Acceptable methods of income verification include, in this order:

- Employment verification form, letters, and/or other documents completed by the employer.
- Check stubs or earning statements which indicate the employee's gross pay, frequency of pay or year to date earnings.
- W-2 forms plus income tax return forms.
- Self-certifications or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants (Public Housing Residents) will be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the Housing Authority will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

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Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

- Benefit verification form completed by agency providing the benefits.
- Award or benefit notification letters prepared and signed by the providing agency.
- Computer report electronically obtained or in hard copy.
- Bank statements for direct deposit.

Note: See Section 18.0, subsection entitled "Streamlined Annual Reexamination For Fixed Sources Of Income," for information pertaining to verification of fixed income sources for public housing program participants/tenants.

Unemployment Compensation

Acceptable methods of verification include, in this order:

- Verification form completed by the unemployment compensation agency,
- Computer printouts from unemployment office stating payment dates and amounts.
- Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification include, in this order:

- Housing Authority verification form completed by payment provider.
- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
- Computer generated Notice of Action.
- Computer generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

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- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- A (notarized) letter from the person paying the support.
- A copy of latest check and/or payment stubs from Court Trustee. The Housing Authority must record the date, amount and number of the check.
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide:

- A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.
- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
- A notarized affidavit from the family indicating the amount(s) received.
- A welfare notice of action showing amounts received by the welfare agency for child support.
- Written statement from an attorney certifying that a collection or enforcement action has been filed.

Net Income From Business

In order to verify the net income from a business, the Housing Authority will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

- IRS Form 1040, including Schedule C (Small Business), Schedule E (Rental Property Income), and Schedule F (Farm Income)
- If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
- Audited or unaudited financial statement(s) of the business.

- Credit report or loan application.

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- Documents such as manifests, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
- Family's self-certification as to net income realized from the business during previous years.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other type of business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the Housing Authority will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of adult person who paid for care.

If the family has filed a tax return, the family will be required to provide it.

The Housing Authority will conduct interim reevaluations every 60 days and require the participant to provide a log with the information about customers and income.

If child care services were terminated, a third-party verification will be sent to the parent whose child was cared for.

Recurring Gifts

The family must furnish a self-certification which contains the following information:

- The person who provides the gifts.
- The value of the gifts.
- The regularity (dates) of the gifts.
- The purpose of the gifts.

13.10 VERIFICATION OF ZERO INCOME STATUS

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, AFDC, SSI, etc. are not

being received by the household.

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The Housing Authority will request information from the State Unemployment Agency.

The Housing Authority will request information from IRS.

The Housing Authority may check records of other departments in the jurisdiction (such as government utilities) that have information about income sources of customers.

13.11 VERIFICATION OF FULL-TIME STUDENT INCOME

Only the first \$480.00 of the earned income of full time students, other than head or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students is not counted towards family income if applied toward tuition and mandatory education fees, including, but not limited to, student service fees, student association fees, student activity fees, and laboratory fees.

Verification of full-time student status includes:

- Written verification from the registrar's office or other school official.
- School records indicating enrollment for sufficient number of credits to be considered a full time student by the educational institution.

13.12 VERIFICATION OF INCOME FROM ASSETS

Savings Account Interest Income and Dividends

Acceptable methods of verification include, in this order:

- Account statements, passbooks, certificates of deposit, or HA verifications forms completed by the financial institution.
- Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
- IRS Form 1099 from the financial institution, provided that the Housing Authority must adjust the information to project earnings expected for the next 12 months.

Interest Income From Mortgages or Similar Arrangements

Acceptable methods of verification include, in this order:

- A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the

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- check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown).
- Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income From Property Owned by the Family

Acceptable methods of verification include, in this order:

- IRS Form 1040 with Schedule E (Rental Income).
- Copies of latest rent receipts, leases, or other documentation of rent amounts.
- Documentation of allowable operating expenses of the property; tax statements, insurance invoices, bills for reasonable maintenance and utilities and bank statements or amortization schedules showing monthly interest expense.
- Lessee's written statement verifying rent payment to the family, and family's self-certification as to net income realized.

13.13 VERIFICATION OF FAMILY ASSETS

The Housing Authority will require the necessary information to determine the current cash value of family assets (the net amount the family would receive if the asset were converted to cash). Such information may include:

- Verification forms, letters, or documents from a financial institution or broker.
- Passbooks, checking account statements, certificates of deposit, bonds or financial statements completed by a financial institution or broker.
- Quotes from a stock broker or realty agent as to the net amount family would receive if they liquidated securities or real estate.
- Real estate tax statements if the approximate current market value can be deduced from the statements.
- Financial statements for business assets.
- Copies of closing documents showing the selling price and the distribution of the sales proceeds.

- Appraisals of personal property held as an investment.

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- Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

For all Certifications and Recertifications the Housing Authority will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification or certification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third-party verification will be obtained whenever possible.

The Housing Authority is required to obtain third-party verification of all family assets upon admitting a family to the public housing program and then again at least every three years thereafter. During the intervening annual reexaminations, the Authority has the discretion to accept a family's declaration that it has total net assets equal to or less than \$5,000.00, without taking additional steps to verify the accuracy of the declaration. If a family submits such a declaration, then the Housing Authority does not need to request supporting documentation to verify the assets or the amount of income expected to be received from those assets. The family's declaration of total assets must show each asset and the amount of income expected from that asset. The total amount of income expected from assets will be the family's "final asset income".

Whenever a family member is added, the Housing Authority will obtain third-party verification of that member's assets. At the next reexamination of income following the addition of that family member, the Authority must obtain third-party verification of all family assets if the addition of the family member's assets puts the family above the \$5,000.00 threshold. If the addition of the family members assets does not put the family above the \$5,000.00 threshold, then the Authority is not required to obtain third-party verification of all family assets at the next annual reexamination of income following the addition of the family member, however, third-party verification of all family assets is required at least every 3 years.

13.14 VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

Written verification from the person who receives the payment is required. If the child care provider is an individual, she/he must provide a statement of the amount she/he are charging the family for the services.

Verifications must specify the child care provider's name, address, telephone number, Social Security Number, the names of the children cared for, the number of hours the child

care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods. The family must certify as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses or expenses to assist a person(s) with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the following methods:

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacists, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
- For attendant care:
 - A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
 - Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
 - Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
 - Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
 - Receipts of other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses the Housing Authority may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists,

but not for one-time, nonrecurring expenses from the previous year.

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- The Housing Authority will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance To Persons With Disabilities

- Verification requires the following, in all cases:
 - Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
 - Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
- Attendant Care Verification requires:
 - Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
 - Certification of family and attendant and/or copies of canceled checks family used to make payments.
- Auxiliary Apparatus Verification Requires:
 - Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
 - In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

13.15 VERIFICATION OF LEGAL IDENTITY, MARITAL STATUS, FAMILIAL RELATIONSHIP, PERMANENT ABSENCE OF ADULT FAMILY MEMBER AND CHANGE IN FAMILY COMPOSITION

- **Verification of Legal Identity**

In order to prevent program abuse, the Housing Authority will required applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal

identity for adults, if a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required:

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- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD214)
- U.S. passport
- Voter's registration
- Company/agency Identification Card
- Department of Motor Vehicles Identification Card
- Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID
- School records

- **Verification of Marital Status**

Verification of divorce status requires a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

- **Verification of Familial Relationship**

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide certain

documentation for verification purposes, such as:

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- Official identification showing names
- Birth Certificates
- Baptismal certificates
- Court-ordered assignments
- Affidavit of parent
- Verification from social services agency
- School records
- Joint bank accounts or other shared financial transactions
- Leases or other evidence of prior cohabitation
- Credit reports showing relationship

- **Verification of Permanent Absence of Adult Family Member**

If an adult member who was formerly a member of the household is reported permanently absent by the family, the Housing Authority will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
- If no other proof can be provided, the Housing Authority will accept a self-certification from the family.
- If the adult family member is incarcerated, a document from the

court or prison should be obtained stating how long they will be incarcerated.

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- **Verification of Change In Family Income**

The Housing Authority may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

13.16 VERIFICATION OF DISABILITY

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 600(7)), or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the applicable Social Security Administration and HUD language as the verification format.

13.17 VERIFICATION OF ADMISSION PREFERENCES

See Section 11, pages 12, 13 and 14 of this document for details pertaining to the Housing Authority's public housing admission preferences.

The applicable verification requirements are as follows:

- Individuals and families who claim they have been involuntarily displaced due to either fire, flood, a natural disaster or government action require written verification by the displacing unit or agency of government, or by a service agency such as the Red Cross.
- Individuals and families who claim displacement due to domestic violence require written verification from police, social service agency, court, clergy person, physician, and/or public or private facility giving shelter and/or counseling to victims. The Housing Authority must also obtain verification from the family's landlord or other source that the abuser still resides at the unit.
- Individuals and families who live and/or work in the jurisdiction of the Housing Authority, as well as families who live in the jurisdiction of the Housing Authority and previously worked there but were unable to continue such work due to age or disability, are required to provide a minimum of 3 of the following documents to verify North Bergen residency: rent receipts, leases, utility bills, employer or agency records, school records, drivers licenses, voters registration records, credit reports statement from household with whom the family is residing; and to prove local work status, provide a statement from their employer attesting to their employment within the Township of North Bergen.

- Individuals and families who claim a Veterans Preference must provide, at the time of application, documentation evidencing their claim (e.g. form DD214).

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13.8 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Housing Authority will make a copy of the individual's INS documentation and place the copy in the applicant's file. The Housing Authority will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Housing Authority will mail information to the INS in order that a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of noneligible members and the list must be signed by the head of the household.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing.

Any family member who does not choose to declare their status must be listed on the statement of noneligible members.

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If the Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

13.19 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age must provide verification of their Social Security number or certify that

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they do not have one. If a child under 6 years of age was added to the family in the six-month period prior to the household's date of admission as a program participant, then documentation verifying the child's Social Security information need only be supplied within 90 days following the date of admission. One additional 90 day extension may be added, if the applicant's failure to meet the first timeline was outside his or her control.

New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security number is the original Social Security card. If the card is not available, the Housing Authority will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military Ids, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. The Housing Authority will not require any individual who does not have a Social Security number to obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

13.20 TIMING OF VERIFICATION

Verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update all information related to family circumstances and level of assistance.

13.21 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible noncitizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible

noncitizen status will be verified.

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14.0 DETERMINATION OF TENANT RENT PAYMENT

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the formula method (see Section 14.1) or having their rent set at the flat rent amount (see Section 14.3).

Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they would otherwise undergo.

Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:

- The family's income has decreased.
- The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
- Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

14.1 DETERMINATION OF RENT BY FORMULA METHOD

Under the formula method of rent determination total tenant payment is equal to the highest of:

- 10% of monthly income;
- 30% of adjusted monthly income; or
- The welfare rent

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00, but never more than the flat rent amount. See Section 14.2 for regulations pertaining to the minimum rent.

In the case of a family who has qualified for the income exclusion at Section 12.2 pertaining to the amounts received from certain programs, upon the expiration of the 12 month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12 month period following the 12 month period of disallowance, the resulting rent increase will be capped at 30 percent of the rent increase the family would have otherwise received.

14.2 MINIMUM RENT AND HARDSHIP EXEMPTIONS

The Housing Authority has set its minimum rent at \$50.00. However, if the family

requests a hardship exemption, the Housing Authority will immediately suspend the

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minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

A hardship will be determined to exist under the following circumstances:

- When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program.
- When the family would be evicted as a result of the imposition of the minimum rent requirements;
- When the income of the family has decreased because of changed circumstances, including loss of employment;
- When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
- When a death has occurred in the family.

If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back rent payment of minimum rent for the time of suspension.

If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will consider offering a repayment agreement for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.

If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

The family may use the Housing Authority's grievance procedures to appeal the Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedures.

14.3 FLAT RENTS

The housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services and neighborhood. The Housing Authority determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and

adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

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In accord with the federal 2014 Appropriations Act requirement regarding the establishment of flat rents, North Bergen Housing Authority's flat rents have been established at amounts equal to 80 percent of the fair market rents in the Hudson County, New Jersey, housing market area. In the event that implementation of this requirement would increase a family's rent by more than 35 percent, the Housing Authority will phase in the flat rent as necessary to ensure that the family's rental payment does not increase by more than 35 percent in any one year.

Family's paying flat rents do not receive the utility allowance deduction.

Note: The current flat rents approved by resolution of the Housing Authority's Board of Commissioners are posted at each of the developments and at the central office.

14.4 RENT FOR MIXED FAMILIES UNDER THE NONCITIZEN RULE

The Housing Authority will use the established flat rent applicable to the unit to calculate rents for mixed families (families where some of the members are ineligible non-citizens) except in situations where the mixed family's total tenant payment (TTP) exceed the flat rent, wherein the tenant must then pay the total payment.

HUD regulations require the The Housing Authority to complete the following seven step process when determining rent for mixed families:

- Step 1. Determine the total tenant payment in accordance with 24 CFR 5.628. (Annual income includes income of all family members, including any family member who has not established eligible immigration status.)
- Step 2. Family maximum rent is equal to the applicable flat rent for the unit size to be occupied by the family.
- Step 3. Subtract the TTP from the family maximum rent. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").
- Step 4. Divide the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("eligible family member"). The subsidy per eligible family member is the "member maximum subsidy."
- Step 5. Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status ("eligible family members"). The product of this calculation is the "eligibility subsidy."
- Step 6. The mixed family TTP is the maximum rent minus the amount of the eligible

subsidy.

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- Step 7. Subtract applicable utility allowance, if any, from the mixed family TTP. The result of this calculation is the mixed family tenant rent.

When the mixed family's TTP is greater than the maximum rent, the Housing Authority must use the TTP as the mixed family TTP.

15.0 UTILITY REIMBURSEMENTS/ALLOWANCES

Where applicable the Housing Authority shall establish a utility allowance for all check-metered utilities and for all tenant-paid utilities. The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, the Housing Authority will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization, efforts, installation of energy-efficient appliances, etc.). Allowances will be evaluated at the least annually as well as any time utility rates changed by 10% or more since the last revision to the allowances. The utility allowance will be subtracted from the family's formula or flat rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the Housing Authority. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

For Housing Authority paid utilities, the Housing Authority will monitor the utility consumption of each household. Any consumption in excess of the allowance established by the Housing Authority will be billed to the tenant monthly.

Utility allowance revisions based on rate changes shall be effective retroactively to the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.

Families with high utility costs are encouraged to contact the Housing Authority for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs. The analysis can also assist the family in identifying ways they can reduce their costs.

Requests for relief from surcharges for excess consumption of Housing Authority purchased utilities or from payment of utility supplier billings in excess of the utility allowance for tenant-paid utility costs may be granted by the Housing Authority on reasonable grounds. Request shall be granted to families that include an elderly member or a member with disabilities. Requests by the family shall be submitted under the Reasonable Accommodation Policy. Families shall be advised of their right to individual relief on admission to public housing and at the time of utility allowance changes.

Utility allowance/reimbursement payments to tenants shall be made on a monthly basis. However, if the the total quarterly reimbursement payment due to a family is equal to or

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less than \$45 per quarter, the Housing Authority may make reimbursement payments retroactively no less frequently than once every calendar-year quarterly, except where a family requests and receives a hardship exemption, then the Housing Authority will reimburse the family on a monthly basis.

In the event that a family vacates its assisted dwelling unit in advance of the due date for payment of its next utility reimbursement, the Housing Authority will reimburse the family for a prorated share of the applicable reimbursement.

16.0 PAYING RENT

Rent and other charges are due and payable on the first day of the month. All rents should be paid at the Housing Authority's Administrative Offices. Reasonable Accommodation for this requirement will be made for persons with disabilities. As a safety measure, no cash shall be accepted as a rent payment.

If the rent is not paid by the fifth of the month, a Notice to Vacate will be issued to the tenant. In addition, a \$10.00 late charge or \$1.00 a day, whichever is greater, will be assessed to the tenant. If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur the late charge plus an additional charge of \$10.00 for processing costs.

17.0 CONTINUED OCCUPANCY & COMMUNITY SERVICE

• **Community Service Requirement**

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self sufficiency program.

• **Exemption From Community Service Requirement**

The following adult family members of tenant families are exempt from the community service requirement:

- ❖ Family members who are 62 or older.
- ❖ Family members who are blind or disabled.
- ❖ Family members who are the primary care giver for someone who is blind or disabled.

- ❖ Family members engaged in work activities.

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- ❖ Family members who are exempt from work activity under part A title IV of the Social Security Act or under any other State welfare program, including the welfare to work program.
- ❖ Family members receiving assistance under a State program funded under part A title IV of the Social Security Act or under any other State welfare program, including welfare to work and who are in compliance with that program.

- **Community Service Notification**

The Housing Authority shall identify all adult family members who are apparently not exempt from the community service requirement.

The Housing Authority shall notify all such family members of the community service requirement and of the categories of individuals who are exempt from the requirement. The notification will provide the opportunity for family members to claim and explain an exempt status. The Housing Authority shall verify such claims.

The notification will advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after October 1, 1999. For family's paying flat rent, the obligation begins on the date their annual reexamination would have been effective had annual reexamination taken place. It will also advise them that failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

- **Community Service Activities**

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community.

An economic self-sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (such as substance abuse or mental health treatment).

The Housing Authority will coordinate with social service agencies, local schools, and the Human Resources Office in identifying a list of volunteer community service people.

Together with the resident advisory council(s), the Housing Authority may create volunteer positions such as monitoring common areas, litter patrols, and supervising and record keeping for volunteers.

- **Community Service Procedures**

The Housing Authority will do the following at each annual reexamination of a tenant household:

- ❖ Provide a list of volunteer opportunities to the family members.
- ❖ Provide information about obtaining suitable volunteer positions.
- ❖ Provide a volunteer time sheet to the family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each period of work.

The Housing Authority may accept a tenant's self-certification of compliance with the community service requirement. Self-certifications must include details (including contact information) describing the community service activity performed, where it was completed, and the tenant's signed and dated certification that the statement he or she is certifying to is true. The Housing Authority will undertake periodic quality assurance reviews of a sample of self-certifications and validate their accuracy using third-party verification procedures. The Authority will notify self-certifying tenants that their certifications may be subject to validation.

- ❖ Assign family members to a volunteer coordinator who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member's progress monthly and will meet with the family member as needed to best encourage compliance.
- ❖ Thirty (30) days before the family's next lease anniversary date, the volunteer coordinator will advise the Housing Authority whether each applicable adult family member is in compliance with the community service requirement.

- **Notification of Non-Compliance With Community Service Requirement**

The Housing Authority will notify any family member(s) found to be in non-compliance with the community service requirement that:

- ❖ The family member(s) has been determined to be in noncompliance;
- ❖ That such determination may be aggrieved by the non-compliant family member(s); and
- ❖ Unless the family member(s) enter into an agreement to comply, the family's lease will not be renewed or it will be terminated.

Opportunity For Cure of Non-Compliance With Community Service Requirement

The Housing Authority will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency program or agrees to contribute to community service for as many hours as needed to comply with the requirement over the past 12 month period. The cure shall occur over the 12 month period beginning with the date of the agreement and the resident shall at the same time stay current with the year's community service requirement. The first hours a resident earns goes toward the current commitment until the current year's commitment is made.

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis. If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours after three (3) months, the Housing Authority shall take action to terminate the lease.

18.0 REEXAMINATION OF FAMILY INCOME AND OTHER CIRCUMSTANCES

- **Frequency, Purpose and Notification of Reexamination Process**

At least annually, the Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine the rent the family will pay and whether the family is housed in the correct unit size dwelling.

The Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. For those families paying in accord with the formula method the letter will include forms for the family to complete in preparation for the interview. The letter will also include instructions pertaining to rescheduling of the interview if necessary. In addition, the letter will also instruct families who may need to make alternate arrangements due to a disability, that they may contact staff to request an accommodation of their needs.

During the appointment, the Housing Authority will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

- **Missed Appointments For Reexamination**

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as stated in the initial

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letter of notification. The second letter will also advise that failure by the family to attend the second scheduled interview will result in the Housing Authority taking eviction actions against the family.

Content of Reexamination Notifications to Flat Rent Payers

The annual letter to flat rent payers regarding the reexamination process will state the following:

- ❖ Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- ❖ The amount of the flat rent.
- ❖ A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories of allowances that can be deducted from income.
- ❖ Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
- ❖ Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:
 - The family's income has decreased.
 - The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
 - Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- ❖ The dates upon which the Housing Authority expects to review the amount of the flat rent, the approximate rent increase the family could expect, the approximate date upon which a future rent increase could become effective.
- ❖ The name and phone number of the individual to call to get additional information or counseling concerning flat rents.
- ❖ A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, the Housing Authority will send a reexamination

letter to the family offering the choice between a flat or a formula rent. The opportunity to select the flat rent is available only at this time. At the appointment, the Housing Authority may assist the family in identifying the rent method that would be most advantageous for

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the family. If the family wishes to select the flat rent method without meeting with the Housing Authority representative, they may make the selection on the form provided by the Housing Authority. In such case, the Housing Authority will cancel the appointment.

- **Reexamination Interview Procedures For Tenants Paying Formula Rents**

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of the verification, the Housing Authority will determine the family's annual income and will calculate their rent.

The total tenant payment is equal to the highest of:

- ❖ 10% of monthly income;
- ❖ 30% of adjusted monthly income; or
- ❖ The welfare rent.

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00, but never more than the ceiling rent.

- **Effective Date of Rent Changes Resulting From Annual Reexamination Process**

The new rent will generally be effective upon the anniversary date with thirty (30) days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 3 day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date.

Any reduction will be effective the first of the month after the rent amount is determined.

- **Interim Reexaminations**

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families will not be required to report any increase in income or decreases in allowable expenses between annual reexaminations.

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Families are required to report the following changes to the Housing Authority between regular reexaminations within ten (10) days of their occurrence (If the family's rent is being determined under the formula method, these changes will trigger an interim reexamination):

- ❖ A member has been added to the family through birth or adoption or court awarded custody.

- ❖ A household member is leaving or has left the family unit.

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request that the new member be added to the lease. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family). The new family member will go through the screening process similar to the process for applicants. The Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent.

- **Special Reexaminations**

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income or have a temporary decrease in income, the Housing Authority may schedule special reexamination every sixty (60) days until the income stabilizes and an annual income can be determined.

- **Streamlined Annual Reexaminations For Fixed Sources Of Income**

Effective April 7, 2016 the Housing Authority implemented streamlined annual reexamination procedures for fixed sources of household income. Only the fixed sources of a family member's income may be reexamined under the streamlined procedures. The non-fixed sources of a family member's income remain subject to third-

party verification. In addition, upon request of the family being reexamined, the Housing Authority must perform third-party verification of all income sources.

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The streamlined reexamination procedures apply only to verification of fixed sources of income. The Housing Authority will continue to conduct third-party verification of deductions.

The streamlined reexamination procedures apply only to public housing program participants/tenants, they are not to be applied when verifying fixed income sources of applicants for public housing assistance.

The term "fixed income" includes income from:

- ❖ Social Security payments, including Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
- ❖ Federal, state, local and private pension plans; and
- ❖ Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

Under streamlined reexamination procedures the Housing Authority will make its determinations by applying a verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount. The COLA or current rate applicable to each source of fixed income must be obtained either from a public source or from tenant-provided third-party generated documentation. In the absence of such verification for any source of fixed income, third-party verification of income amounts must be obtained.

In the initial year on which a streamlined income determination is made the COLA must be applied to a source of income that has been verified previously. The Housing Authority must also determine in the initial year whether a source of income is fixed. The Authority may do this by comparing the amount of income from the source to the amount generated during the prior year. If the amount is the same or if it has changed only as result of a Cola or due to interest generated on a principal amount that remained otherwise constant, then the source is fixed. The Housing Authority may also make such a determination by requiring a family to identify as to which source(s) of income are fixed. The Housing Authority must document in the tenant file how it made the determination that a source of income is fixed.

For the second income determination involving a family member whose income was adjusted previously using a streamlined income determination, the adjustment would be made to the previously determined income amount (i.e., in year two, the Cola is applied to the year one income amount, as previously adjusted by a COLA). For any family member whose income is determined pursuant to a streamlined income determination, *third-party*

verification of all income amounts for all family members must be performed at least every three years. This means that, for the third income determination involving a family member whose income has been adjusted twice using a streamlined income determination, the Housing Authority would need to obtain third-party verification of *all* income amounts. This

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also means that if a family member with a fixed-income source is added to the family during year two, for example, then the Housing Authority must obtain third-party verification of all income amounts for that family member at the next reexamination if the Housing Authority wishes to have all family members with fixed incomes on the same schedule with respect to streamlined annual reexaminations.

- **Earned Income Disregard Regulatory Provisions**

The earned income disregard is designed to promote self-sufficiency for certain families in public housing who meet the definition of a “qualified family.”

For information pertaining to the Earned Income Disregard (EID) regulations see the Public Housing Occupancy Handbook published prior to March 8, 2016. The provisions set forth in said handbook pertaining to EID eligibility criteria, the benefit amount of the EID, the single lifetime eligibility requirement, and the ability of the applicable family member to stop and restart employment during the eligibility period remain in force. However, the following changes in EID regulatory provisions became effective as of April 7, 2016:

- ❖ The time period during which a family is eligible to receive the earned income disregard is now limited to 24 straight months.
- ❖ The requirement for PHAs to track family member changes in employment over a 4-year period, is now eliminated.

Prior to the above stated changes families were eligible to receive the EID benefit for no more than 24 months, which could be spread across a 48-month time period to account for potential changes in the employment status of the family member whose original employment caused the family to be eligible for EID. PHAs were required to track the employment of such family members and stop and start the EID benefit accordingly. The above stated changes in this regulatory provision provide as follows:

- ❖ Once a family member is determined to be eligible for the EID, the 24-calendar month period starts;
- ❖ If the family member discontinues the employment that initially qualified the family for the EID, the 24-calendar month period continues;
- ❖ During the 24-calendar month period EID benefits are recalculated based on changes to family member income and employment (no change from prior practice);
- ❖ During the first 12-calendar month period a PHA must exclude all increased income resulting from the qualifying employment of the family member. After the first 12-calendar month period, the PHA must exclude from the annual income of the family

at least 50 percent of any increase in income of such family member as a result of employment over the family member's income before the qualifying event (i.e., the family member's baseline income);

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- ❖ The EID benefit is limited to a lifetime 24-month period for the qualifying family member;
- ❖ At the end of the 24 months, the EID ends regardless of how many months were "used."

Notes: Families who became eligible to benefit from the EID or were benefiting from same on the day prior to the effective date (April 7, 2016) of the above cited change, are eligible to receive the EID benefit for 24 month over a 48- month period.

PHAs have the discretion to establish income exclusions beyond what is required of the EID. As such, a PHA could establish alternative EID requirements to encourage

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employment among public housing participants, but these requirements may not be more restrictive than the minimum EID benefit required under 24 CFR.

- **Date of Rent Changes Due to Interim or Special Reexaminations**

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

19.0. UNIT TRANSFER POLICY

- **Objectives of Transfer Policy**

The objectives of the Transfer Policy include the following:

- ❖ To address emergency situations.
- ❖ To fully utilize available housing resources while avoiding overcrowding by

insuring that each family occupies the appropriate size unit.

- ❖ To facilitate a relocation when required for modernization or other management purposes.

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- ❖ To facilitate relocation of families with inadequate housing accommodations.
- ❖ To provide an incentive for families to assist in meeting the Housing Authority's deconcentration goals. To eliminate vacancy loss and other expense due to unnecessary transfers.

- **Categories of Transfer**

Category 1: Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the neighborhood.

See the attached North Bergen Housing Authority Violence Against Women Act (VAWA) Policy and the appended Emergency Transfers Plan For Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, for information pertaining to such subject matter.

Category 2: Immediate administrative transfer. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain Housing Authority occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the Housing Authority when a transfer is the only or best way of solving a serious problem.

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

If there are no suitable units available within the Public Housing projects to accommodate a disabled tenant or a tenant threatened by domestic violence, such tenant may be transferred to a Section 8 unit by the Housing Authority.

- **Required Transfer Documentation**

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer.

- **Incentive Transfers**

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and wish to move to a development where their income category does not do so.

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Families approved for incentive transfers will be required to meet the following eligibility criteria:

- ❖ Have been a tenant for three years;
- ❖ For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities;
- ❖ Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year which ever is less;
- ❖ The family is current in the payment of all charges owed the Housing Authority and has not paid late rent for at least one year;
- ❖ The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- ❖ The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff;
- ❖ Agrees to participate in a series of classes conducted by the Housing Authority on basic home and yard care.

- **Processing Transfers**

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers in category 1 and 2 will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category 1 will be housed ahead of transfers in category 2.

Transfers in category 3 will be housed along with applicants for admission at a ratio of one transfer for every seven admissions.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete the transfer. The family will be

responsible for paying rent at the old unit as well as the new unit for any period of time they have possession of both. The prorated rent and other charges (key deposit and any additional security deposit owing) must be paid at the time of lease execution.

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- **Rejection of Transfer**

The following rules apply with regard to rejection of a transfer:

- ❖ If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- ❖ If the transfer is being made at the request of the Housing Authority and the family rejects two offers without good cause, the Housing Authority will take action to terminate their tenancy. If the reason for the transfer is that the current unit is too small to meet the Housing Authority's optimum occupancy standards, the family may request in writing to stay in the unit without being transferred so long as their occupancy will not exceed two people per living/sleeping room.
- ❖ If the transfer is being made at the family's request and the rejected offer provides deconcentration incentives, the family will maintain their place on the transfer list and will not otherwise be penalized.
- ❖ If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer that does not include deconcentration incentives. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

- **Family's Moving Cost on Transfer**

The cost of the transfer generally will be borne by the family in the following circumstances:

- ❖ When the transfer is made at the request of the family or by others on behalf of the family (i.e. by the police);
- ❖ When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- ❖ When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (Note: The family without disabilities was required to sign a statement to this effect prior to accepting the accessible unit.); or
- ❖ When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

The cost of the transfer will be borne by the Housing Authority in the following

circumstances:

- ❖ When the transfer is needed in order to carry out rehabilitation activities; or

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- ❖ When action or inaction by the Housing Authority has caused the unit to be unsafe or inhabitable.

The responsibility for moving costs in other circumstances will be determined on a case by case basis.

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- **Tenants Must Be In Good Standing At Time of Transfer**

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the Housing Authority. This means the family must be in compliance with their lease, current in all payments to the Housing Authority, and must pass a housekeeping inspection.

- **Transfer Requests**

A tenant may request a transfer at any time by completing a transfer request form. In considering the request, the Housing Authority may request a meeting with the tenant to better understand the need for the transfer and to explore possible alternatives. The Housing Authority will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule such meeting.

The Housing Authority will grant or deny the transfer request in writing within ten (10) business days of receiving the request or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

- **No Right To Transfer**

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a tenant to transfer or refuse to transfer.

If there are no suitable units available within the Public Housing projects to accommodate a disabled tenant, such disabled tenant may be transferred to a Section 8 unit by the Housing Authority.

20.0 INSPECTION OF DWELLING UNITS

The following types of dwelling unit inspections will be conducted by the Housing Authority:

- **Move-In Inspections**

The Housing Authority and an adult member of the family will inspect the unit prior to

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signing the lease. Both parties will sign a written statement of 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's file.

- **Annual Inspections**

The Housing Authority will inspect each public housing unit annually to ensure that each unit meets the Housing Authority's housing standards. Work orders will be submitted and completed to correct any deficiencies. The Housing Authority will give the tenant written notice of a scheduled inspection of their dwelling unit at least two days prior to the scheduled inspection.

- **Preventive Maintenance Inspections**

This type inspection is generally conducted along with the annual inspection. The purpose of this inspection is to ensure that the dwelling unit and the equipment therein are kept in good repair. It checks weatherization, checks the condition of the smoke detectors, mechanical equipment, if any, thermostats and water temperatures; checks for leaks; and provides an opportunity to provide minor maintenance servicing. The Housing Authority will notify the tenant in writing at least two days prior to any such inspection of its intent to perform same.

- **Special Inspections**

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the Housing Authority. The Housing Authority will give the tenant written notice of any such inspection at least two days prior to the scheduled inspection.

- **Housekeeping Inspections**

Generally, at the time of annual reexamination, or at other times as necessary, the Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition. The Housing Authority will give the tenant written notice of any such inspection at least two days prior to the scheduled inspection.

- **Emergency Inspections**

If any employee and/or agent of the Housing Authority has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

- **Pre-Move-Out Inspections**

When a tenant gives notice that they intend to move, the Housing Authority will offer to schedule a pre-move-out inspection with the family. The inspection allows the Housing

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Authority to help the family identify any problems which, if left uncorrected, could lead to vacate charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the Housing Authority to ready units more quickly for the future occupants.

- **Move-Out Inspections**

The Housing Authority conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

21.0 REPAYMENT AGREEMENTS

When a resident owes the Housing Authority back charges and is unable to pay the balance by the due date, the resident may request that the Housing Authority allow them to enter into a Repayment Agreement. The Housing Authority has the sole discretion of determining whether it will or will not accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve(12) months. All Repayment Agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction.

The Housing Authority will allow repayment agreements for tenants whose rental amount is the minimum rent and who have had their rent abated for a temporary period.

22.0 TERMINATION

- **Termination By Tenant**

The tenant may terminate the lease at any time upon submitting a 30 day written notice. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

- **Termination By The Housing Authority**

The Housing Authority will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

The Housing Authority will terminate the lease for serious or repeated violations of material lease terms. Such violations include but are not limited to the following:

- ❖ Nonpayment of rent or other charges;
- ❖ A history of late rental payments;

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- ❖ Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- ❖ Failure to allow inspection of the unit;
- ❖ Failure to maintain the unit in a safe and sanitary manner;
- ❖ Assignment or subletting of the premises;
- ❖ Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- ❖ Destruction of property;
- ❖ Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- ❖ Non-compliance with Non-Citizen Rule Requirements;
- ❖ Permitting persons not on the lease to reside in the unit more than seven (7) days each year without the prior written approval of the Housing Authority; and
- ❖ Other good cause, including the following:
 - The Housing Authority will take immediate action to evict any household that includes a member(s) who has committed an act or acts of domestic violence, dating violence, sexual assault or stalking.
 - The Housing Authority will immediately terminate assistance if the Authority determines that any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
 - Drug-related criminal activity or violent criminal activity, engaged in on or off the premises, as well as other criminal activity that would threaten the health and safety of residents, owners or owner's employees, contractors, or agents, or that would threaten residents' peaceful enjoyment of the premises, is grounds for termination of tenancy if the tenant or a household member engaged in such activity.
 - If another person under the tenant's control, including a guest of the tenant household, engages in such activity on the premises, the activity is grounds for the Housing Authority to terminate tenancy.

- The Housing Authority may terminate assistance if it determines that a household member is illegally using a drug or when the Authority determines

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that a pattern of illegal use of a drug threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

- The Housing Authority may terminate the tenancy if a tenant is fleeing to avoid prosecution, or custody or confinement after conviction for a crime that is a felony or high misdemeanor in the State of New Jersey, in addition, the Housing Authority may terminate the tenancy if a tenant is violating a condition of probation or parole imposed under Federal or State law.
- All residents of the Housing Authority managed public housing units shall be obligated to assure that no tenant, member of the tenant's household or guest engages in any criminal activity that threatens the health safety or right to peaceful enjoyment of the premises by other residents, or engages in any drug-related criminal activity on or off the premises; and to assure that no other person under the tenant's control engages in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, or engages in any drug-related criminal activity on the premises. The Housing Authority may terminate the tenancy if a tenant fails to meet these obligations.
- If the Housing Authority determines that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, the Authority will terminate the tenancy of such household.
- If a tenant furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation, the Housing Authority will terminate the tenancy of such tenant.

The Housing Authority may evict a tenant by judicial action for criminal activity regardless of whether the covered person has been arrested or convicted for such activity without satisfying the standard of proof used for criminal conviction.

The Housing Authority shall exercise its right to obtain criminal conviction records from the National Crime Information Center (NCIC), police departments and other Law enforcement agencies.

The Housing Authority shall also exercise its right to gather and use criminal history information from other sources (such as the Internet or private databanks). If the Housing Authority obtains criminal history information from other sources, the regulatory provisions for handling the data do not apply.

Every applicant family member (18 years of age or older) **Must sign a release form for**

the search of criminal records.

The Housing Authority shall use criminal history information and conviction records to screen applicants, to enforce lease provisions, and for use in eviction actions.

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Any criminal records received by the Housing Authority under the regulatory provisions shall: 1) be maintained confidentially; 2) not be misused or improperly disseminated; and 3) destroyed once the purpose for which the record was requested has been accomplished.

The Housing Authority is aware of the following penalties concerning same: **Criminal penalty** – conviction for a misdemeanor and imposition of a penalty of not more than \$5,000 for knowingly and willfully accessing or disclosing or misusing criminal history information in an unauthorized manner. **Civil liability** – an applicant or tenant may bring civil action against the Housing Authority or person in district court.

Before denying admission, beginning an eviction proceeding or using the criminal conviction information for lease enforcement actions, the Housing Authority **must** give the family a copy of the proposed action, and **must** provide the family an opportunity to contest the accuracy and relevance of the information.

The Housing Authority **may not** pass along to the applicant the costs of a criminal records check.

If a household member has committed an act which would require termination of tenancy, the Housing Authority **may** require the household to exclude the offending family member in order to be continued in tenancy.

The Housing Authority's eviction actions shall be consistent with fair housing and equal opportunity provisions.

The following definitions relate to the above:

“COVERED PERSON” means a tenant, any member of tenant's household, a guest, or another person under the tenant's control.

“GUEST” a person temporarily staying in the unit with the consent of a tenant or other member of the household who has expressed or implied authority to so consent on behalf of the tenant.

“HOUSEHOLD” usually means the family and any Housing Authority approved Live-In Aide(s).

“OTHER PERSON UNDER THE TENANT'S CONTROL” means the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has expressed or implied authority to so consent on behalf of the Tenant.

23.0 ABANDONMENT OF DWELLING UNIT

The Housing Authority will consider a dwelling unit to be abandoned under the following circumstances:

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- When a resident has both fallen behind in rent and has clearly indicated by words or actions an intention not to continue living in the unit; or
- Where the entire family is absent from the dwelling unit for a period in excess of sixty (60) consecutive calendar days or more without having received the prior written authorization of the Housing Authority's Executive for such absence. 'Absence' means that no family member is residing in the unit.

When a unit has been abandoned, a Housing Authority representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the resident stating where the property is being stored and when it will be sold or disposed of. Such sale/disposal and notification regarding same, shall be in accord with applicable State Law. If the Housing Authority does not have a new address for the resident, the notice will be mailed to the unit address so it can be forwarded by the post office. Any money raised by the sale of the property goes to cover money owed by the family to the Housing Authority, such as back rent and the cost of storing and selling the goods. If there is any money left over and the family's forwarding address is known the Housing Authority will mail it to the family. If the family's address is not known, the Housing Authority will keep it for the resident for one year. If it is not claimed within that time, it belongs to the Housing Authority.

Within thirty (30) days of learning of abandonment, the Housing Authority will either return the deposit or provide a statement of why the deposit is being kept.

24.0 RETURN OF TENANT SECURITY DEPOSIT

After a family moves out, the Housing Authority will return the security deposit within thirty (30) days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

If State law requires the payment of interest on security deposits, it shall be complied with.

The Housing Authority will be considered in compliance with the above if the required payments, or both, are deposited in the U.S. mail with first class postage paid within thirty (30) days.

25.0 PUBLIC HOUSING OCCUPANCY BY POLICE OFFICERS

In order to permit a police officer to occupy a public housing dwelling unit the Housing Authority must list the terms and conditions for such occupancy in its plan pertaining to such occupancy, along with a statement that the action is being taken to increase security

for its residents.

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GLOSSARY

50058 Form: The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and at the option of the housing authority, for interim reexaminations.

1937 Housing Act: The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

Adult: A household member who is 18 years or older who is the head of the household, or spouse or co-head.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

Annual Income: All amounts, monetary or not that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12 month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

Applicant (applicant family): A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

As-Paid States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid

States are New Hampshire, New York, Oregon and Vermont.

Assets: The value of the equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets")

Asset Income: Income received from assets held by family members. If assets total more than \$5,000.00 income from the assets is "imputed" and the greater or actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below)

Ceiling Rent: Maximum rent allowed for some units in public housing projects.

Certification: The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

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 actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

Citizen: A citizen or national of the United States. (24 CFR 5.504(b))

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participants to determine eligibility or level of benefits. (24 CFR 5.214)

Decent, Safe and Sanitary: Housing is decent, safe and sanitary if it satisfies the applicable housing quality standards.

Department: The Department of Housing and Urban Development. (24 CFR 5.100)

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

Dependent Allowance: An amount, equal to \$480.00 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

Disability Assistance Expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities")

Disabled Person: See "person with disabilities".

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), 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. (24 CFR 5.403(b))

Displaced Person: A person displaced by governmental action or a person whose dwelling has been damaged or destroyed as a result of a disaster or otherwise formally recognized pursuant to Federal disaster relief laws. (1937 Act)

Drug-Related Criminal Activity: Drug trafficking or the illegal use, or possession for personal use of a controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)

Elderly Family: A family whose head, spouse or sole member is a person who is at least 62 years of age; 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 one or more live-in aides. (24 CFR 5.403)

Elderly Family Allowance: For elderly families, an allowance of \$400.00 is deducted from the household's annual income in determining adjusted annual income.

Elderly Person: A person who is at least 62 years of age. (1937 Housing Act)

Extremely Low-Income Families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.) (24CFR .100)

Family: Includes but is not limited to:

- A. a family with or without children;
- B. an elderly family;
- C. a near-elderly family;
- D. a disabled family;
- E. a displaced family;
- F. the remaining member of a tenant family; and
- G. a single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

Family Members: All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

Family Self-Sufficiency Program (FSS Program): The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.1 03(b))

Flat Rent: A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of market value for the unit or the cost to operate the unit.

Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

Formula Method: A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

Full-Time Student: A person who is carrying a subject load that is considered fulltime for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree. (24 CFR 5.603(d))

Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

Household Members: All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

Housing Assistance Plan: A housing plan that is submitted by a unit of general local

government and approved by HUD as being acceptable under the standards of 24 CFR 570.

Imputed Income: For households with net family assets of more than \$5,000.00 the amount calculated by multiplying net family assets by a HUD specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

In-Kind Payments: Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g. groceries provided on a weekly basis, baby sitting provided on a regular basis).

Interim (examination): A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

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

- A. Is determined to be essential to the care and well being of the persons;
- B. Is not obligated for the support of the persons; and
- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

Low-Income Families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. (1937 Act)

Medical Expenses: Medical expenses (of all family members of an elderly or disabled family) including medical insurance premium, that are anticipated during the period for which annual income is computed and that are not covered by insurance (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, transportation for medical purposes.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status. (24 CFR 5.504(b)).

Monthly Adjusted Income: One twelfth of adjusted income. (24CFR 5.603(d)).

Monthly Income: One twelfth of annual income. (24 CFR 5.603(d)).

National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b)).

Near-Elderly Family: A family whose head; spouse or sole member is a person who is at least 50 years of age but below the age of 62; 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. (24 CFR 5.403(b)).

Net Family Assets:

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD ownership programs. The value of necessary items of personal property such as furniture and automobile shall be excluded.
- B. 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.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family 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 therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d)).

Non-Citizen: A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b)).

Occupancy Standards: The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Person with Disabilities: A person who:

- A. Has a disability as defined in Section 223 of the Social Security Act, which states:

"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months; or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

- B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental or emotional impairment that:
1. Is expected to be of long-continued and indefinite duration;
 2. Substantially impedes his or her ability to live independently; and
 3. Is of such a nature that such ability could be improved by more suitable housing conditions; or
- C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities and Bill of Rights Act which states:

"Severe chronic disability that:

1. Is attributed to a mental or physical impairment or combination of mental and physical impairment;
2. Is manifested before the person attains age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care (2) receptive and responsive language (3) learning (4) mobility (5) self direction (6) capacity for independent living and (7) economic self-sufficiency; and
5. Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated. "

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Proration of Assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

Public Housing Agency (PHA): Any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

Recertification: The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b)

Self Declaration: A type of verification statement by the tenant as to the amount and

source of income, expenses or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

Shelter Allowance: That portion of a welfare benefit (e.g. TANF) that the welfare agency designates to be used for rent and utilities.

Single Person: Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing Handbook 7465.1 REV-2, 3-5).

State Wage Information Collection Agency(SWICA): The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

Temporary Assistance to Needy Families (TANF): The program that replaced the Assistance to Families with Dependent Children(AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

Tenant: The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b)).

Tenant Rent: The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d)).

Third-Party (verification): Written or oral confirmation of a family's income, expenses or household composition provided by a source outside the household.

Total Tenant Payment (TTP):

A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:

1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of:
 - a. 30% of the family's monthly adjusted income;
 - b. 10% of the family's monthly income;
 - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual costs, is specifically designated by such agency to meet the family's housing costs, the 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 under the section 3(a)(I) shall be the amount resulting from one application of the percentage.

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.

B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Utility Allowance: If the cost of utilities (except telephone) and other 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 by a housing authority 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 a safe, sanitary, and healthful living environment. (24 CFR 5.603).

Utility Reimbursement: The amount, if any, which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603).

Very Low-Income Families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act).

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d)).

Welfare Rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

ACRONYMS

ACC	Annual Contributions Contract
CFR	Code of Federal Regulations
FSS	Family Self Sufficiency (program)
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PHA	Public Housing Agency
QHWR	Quality Housing and Work Responsibility Act of 1998
SSA	Social Security Administration
TTP	Total Tenant Payment

ADDENDA NO. 1

REASONABLE ACCOMMODATIONS FOR APPLICANTS AND TENANTS WITH DISABILITIES PARTICIPATING IN THE NORTH BERGEN HOUSING AUTHORITY'S PUBLIC HOUSING PROGRAM

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with disabilities in the United States shall, solely by reason of her or his disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Section 504 requires Public Housing Agencies to affirmatively ensure that people with disabilities are given an equal opportunity to participate in the programs administered by the Housing Authority. HUD's Section 504 regulations which are contained in 24 CFR 8 provide a more detailed explanation of Public Housing responsibilities. The regulation requires that a qualified person with a disability:

- Must meet the essential eligibility requirements for Public Housing assistance and

- Must be afforded an opportunity equal to that afforded to others, and/or

- Must be provided housing or benefits afforded to others, and/or

- May not be provided different or separate housing or benefits unless necessary to provide the person with a disability with housing or benefits that are as effective as those provided to others.

The Federal law regarding disabled persons is designed to afford people with disabilities an "equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement" as those who do not have disabilities.

The Housing Authority is obligated to administer its Public Housing Program in the most integrated setting possible that is appropriate to the needs of qualified individuals rather than to separate the individual from the general population.

In any case, a participant with a disability must ask for an accommodation of the disability before the Housing Authority treats him/her differently.

All requests for accommodation or modification may be subject to verification that the individual meets the need presented by the disability. Verification may include a consultation with a reliable, knowledgeable professional. Requests for reasonable accommodation from a person with a disability will be granted when the Housing Authority has determined that granting the accommodation would be consistent with HUD policies and pertinent Federal, State and local regulations.

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A person with disabilities is defined as a person who:

- A. Has a disability as defined in Section 223 of the Social Security Act, which states:

“Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 13 months; or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time”.

- B. Is determined, pursuant to regulations issued by the Federal government, to have physical, mental or emotional impairment that:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes his or her ability to live independently; and
3. Is of such a nature that such ability could be improved by more suitable housing conditions; or

- C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities and Bill of Rights Act which states:

“Severe chronic disability that:

1. Is attributed to a mental or physical impairment or combination of mental and physical impairment;
2. Is manifested before the person attains age 22;
3. Is likely to continue indefinitely;
4. Results in substantial, functional limitation in 3 or more of the following areas of major life activity; (1) self care (2) receptive and responsive language (3) learning (4) mobility (5) self-direction (6) capacity for independent living and (7) economic self-sufficiency; and
5. Reflects the person’s need for a combination and sequence of special interdisciplinary or general care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated”.

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome (1937 Act).

AIDS victims and those who test positive for the HIV virus are considered to have a disability.

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Individuals with contagious diseases who do not pose a direct threat to others are covered by the Act.

No individual shall be considered to be a person with disabilities for purposes of housing assistance eligibility solely based on any drug or alcohol dependence.

ACCOMMODATIONS POLICY

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Housing Authority programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability, rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Housing Authority will ensure that all applicants/tenants are made aware of the opportunity to request reasonable accommodations.

This policy is applicable to all Housing Authority situations described in the Housing Authority's Public Housing Admissions and Continued Occupancy Policy when a family initiates contact with the Housing Authority, when the Housing Authority initiates contact with a family including when a family applies, and when the Housing Authority schedules or reschedules appointments of any kind.

The Housing Authority operating policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing programs and related services. The availability of specific accommodations will be made known by including notices on Housing Authority forms and letters to all families, and all requests will be verified so that the Housing Authority can properly accommodate the need presented by the disability.

Except as otherwise provided in 24 CFR, no individual with disabilities shall be denied the benefits of, be excluded from participation or otherwise be subjected to discrimination because the Housing Authority facilities are inaccessible to or unusable by persons with disabilities.

The Housing Authority is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TTD/TDY telephone number.

The Housing Authority will utilize organizations, which provide assistance for hearing-and-sight-impaired persons when needed.

The Housing Authority will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities,

- Page Three -

Notifications of reexamination, inspection, appointment, termination of assistance or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by a Public Housing tenant will include information about requesting a reasonable accommodation.

If an applicant or tenant has a disability and think they might need or want a reasonable accommodation they may request it at any time in the application process or at any time they need an accommodation. This is up to them. If they would prefer not to discuss their situation with the housing authority, that is their right.

The Housing Authority's Executive Director or other decision making official will thoroughly review each request for reasonable accommodation(s) and make a decision regarding the approval of denial of same. Such decision, and the reason(s) for same shall be transmitted to the applicant/tenant within 20 days of the receipt of their request for reasonable accommodation.

All decisions granting or denying requests for reasonable accommodations will be in writing.

The following questions will be asked of persons requesting a reasonable accommodation:

1. Is the requestor a person with disabilities?

If the disability is apparent or already documented, the answer to this question is "yes". It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Housing Authority will obtain verification that the person is a person with a disability.

2. Is the requested accommodation related to the disability?

If it is apparent that the request is related to the apparent or documented disability, the answer to this question is "yes". If it is not apparent, the Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Housing Authority will not inquire as to the nature of the disability.

3. Is the requested accommodation reasonable?

In order to be determined reasonable, the accommodation must meet the following criteria:

Would the accommodation constitute a fundamental alteration? The Housing Authority's business is housing. If the request would alter the fundamental business that the Housing Authority conducts, that would not be reasonable.

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Would the requested accommodation create an undue financial hardship or administrative burden? If the cost would be an undue burden, the Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally the individual knows best what it is they need; however, the Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Housing Authority's programs and services, the Housing Authority retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the Housing Authority if there is no one else willing to pay for the modification.

If a Public Housing tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the Housing Authority will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

Any request for an accommodation that would enable a Public Housing tenant or Section 8 Participant to materially violate essential lease terms or program obligations will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create a "undue financial and administrative burden" for the Housing Authority, meaning an action requiring "significant difficulty or expense".

In determining whether accommodation would create an undue hardship, the following guidelines will apply:

The nature and cost of the accommodation needed;

The overall financial resources of the agency available for modification of the facility or facilities involved in the provision of the reasonable accommodation; and

The number of persons employed at such facility, the number of families likely to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.

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When Public Housing applicants are denied placement on the waiting list, or the Housing Authority is terminating assistance, the family will be informed that the presence of a disability may be considered as mitigating circumstance during the informal review process on the matter.

Examples of mitigating circumstances are: (a) A person with a cognitive disorder may not have understood the requirement to report increases in income, (b) Minor criminal records for public drunkenness may be due to medication; (c) prior incarcerations for being disorderly may be due to an emotional disorder.

If the investigation reveals that the complaint is justified and substantiated, the Executive Director will formulate a corrective action plan. The complaining party will be notified in writing that it appears that the complaint was justified and an appropriate corrective action plan has been formulated. A copy of the plan shall be attached to the letter. The plan shall provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

Applicants/tenants who think they have been discriminated against on the basis of disability may file a complaint with the Housing Authority for investigation and resolution/response. The procedure for reporting, investigating and resolving or responding to such complaints shall be as follows:

Applicants/tenants will be asked to report/file complaints in writing to the Housing Authority's Executive Director, but are not compelled to do so.

As soon as possible but no later than ten days after receiving the complaint, the Executive Director or investigator appointed by the Executive Director, if the complaint is against the Executive Director, will interview the applicant/tenant. If the applicant/tenant is reluctant to sign a written complaint, the Executive Director or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee/applicant who will be asked to affirm, preferably in writing the information's accuracy.

The Executive Director will render a decision within fourteen days after a through investigation of the complaint is completed, if the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee/applicant shall be notified in writing.

It is to be noted that public housing tenants have the choice of utilizing the complaint procedure set forth above or the Housing Authority's resident grievance procedure.

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Forms

The Housing Authority will utilize the following forms (copies attached) in implementing this policy:

1. Notice to all Applicants and Tenants: Reasonable Accommodations for Applicants and Tenants with Disabilities.
2. Special Unit Requirement(s) Questionnaire.
3. Disability Verification Form
4. Verification of Need for Units with Special Features
5. Checklist for Disability Assistance Expense Verifications
6. Disability Expense Allowance Verification
7. Certification of Need for Person with Disabilities
8. Attendant Care Verification
9. Employer's Certification of Need for Auxiliary Apparatus to Permit Employment
10. Auxiliary Apparatus Cost Verification Sheet
11. Family Certification for Disability Expense Reimbursement

The Housing Authority of the _____
(hereinafter referred as the Housing Authority or PHA)

Notice to all Applicants and Tenants

Reasonable Accommodations for Applicants and Tenants with Disabilities

The Housing Authority (HA) is a public agency that provides low rent housing to eligible families including families with children, elderly families, disabled families, and single people. The HA is not permitted to discriminate against applicants on the basis of their race, religion, sex, color, national origin, age, disability or familial status. In addition, the HA has a legal obligation to provide "reasonable accommodations" to applicants if they or any family members have a disability. A reasonable accommodation is a structural change, the HA can make to its units or common areas, or a modification of a rule, policy, procedure, or service, that will assist an otherwise eligible applicant or resident with a disability to make effective use of the HA's programs. Examples of reasonable accommodations would include:

- Making alterations to a HA unit so it could be used by a family member with a wheelchair;
- Adding or altering unit features so they may be used by a family member with a disability;
- Installing strobe type flashing light smoke detectors in an apartment for a family with a hearing impaired member;
- Permitting a family to have a large dog to assist a family member with a disability;
- Making large type documents, Braille documents, cassettes or a reader available to an applicant or tenant with a vision impairment during the application and/or reexamination processes;
- Making a sign language interpreter available to an applicant or tenant with a hearing impairment during interviews or meetings with HA staff;
- Permitting an outside agency or individual to assist an applicant with a disability to meet the HA's applicant screening criteria.

An applicant family that has a member with a disability must still be able to meet essential obligations of tenancy. They must be able to pay rent, to care for their apartment, to report required information to the Housing Authority, to avoid disturbing their neighbors, etc., but there is no requirement that they be able to do these things without assistance.

If you or a member of your family have a disability and think you might need or want a reasonable accommodation/modification including accessible features at the Housing Authority's expense, unless doing so would result in a fundamental alteration of the Housing Authority's programs or activities, or an undue financial and administrative burden, you have a right to request same at any time in the application process or at any time you need an accommodation. This is up to you. If you would prefer not to discuss your situation with the housing authority, that also is your right.

If the Housing Authority denies a request for reasonable accommodation, the Authority will clearly document the reason(s) for such denial, any alternative accommodation offered, and the applicant's/resident's response to any such alternative offer(s).

Housing Authority of the _____

Special Unit Requirement(s) Questionnaire

This questionnaire is to be administered to every applicant for public housing at the Housing Authority. It is used to determine whether an applicant family needs special features in their housing unit. The need for special adaptations must be verified in order to assure that the limited number of units with special features go to families that actually need the features.

Applicant Name _____ File _____
Interview Conducted By _____ Date _____

1. Will you, or any member of your family require any of the following:

- | | | | |
|--------------------------|-----------------------------|--------------------------|---|
| <input type="checkbox"/> | A separate bedroom | <input type="checkbox"/> | Unit for Vision-Impaired |
| <input type="checkbox"/> | A barrier-free apartment | <input type="checkbox"/> | Unit for Hearing-Impaired |
| <input type="checkbox"/> | One-level unit | <input type="checkbox"/> | Bedroom & Bath on 1 st floor |
| <input type="checkbox"/> | Other modifications to unit | <input type="checkbox"/> | Extra Bedroom |

Live In Attendant

2. Can you and all family members use the stairs unassisted? Yes No
If No, please indicate how the PHA should accommodate your family:

3. Will you or any of your family members need a live-in aide to assist you? Yes No

If Yes, please explain _____
4. If you checked any of the above listed categories of units, please explain exactly what you need to accommodate your situation. Attach additional sheets if needed.

5. What is the name of the family member needing the features identified above?

Whom should we contact to verify your need for a special apartment?

Name _____

Address _____ Phone # _____

Applicant Signature _____

Date _____

Housing Authority of the _____

Date: _____

Disability Verification Form

Public Housing Authorities are required to verify the disability of applicants claiming to be disabled to determine the applicant's eligibility for the housing and to compute rent. The resident has signed a release form below giving you permission to supply us with this information. Please fill out the form below and return it at your earliest convenience.

Sincerely yours, _____

The Department of Housing and Urban Development defines a disabled person in 3 ways:

1. A disabled person is one with an inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.
2. A developmentally disable person is one with a severe chronic disability that:
 - a. is attributable to a mental and/or physical impairment;
 - b. as manifested before age 22
 - c. is likely to continue indefinitely;
 - d. results in substantial functional limitations in three or more of the following areas: capacity for independent living, self-care, receptive and expressive language; learning, mobility, self-direction, and economic self-sufficiency AND
 - e. requires special interdisciplinary or generic care treatment, or other services which are of extended or lifelong duration and are individually planned or coordinated.
3. A disabled person is also one who has a physical, emotional or mental impairment that:

- a. is expected to be of long-continued or indefinite duration;
- b. substantially impedes the person's ability to live independently;
- c. is such that the person's ability to live independently could be improved by more suitable housing conditions.

I, _____, hereby certify that _____ (person signing the release below should be considered disabled in accordance with definition number ____ above.)

Name and Title _____ Date _____
Signature _____ Phone _____

TENANT/APPLICANT RELEASE

I, _____, hereby authorize the release of the requested information.

Signature _____ Date _____

Housing Authority of the _____

Verification of Need for Unit with Special Features

Name _____ Date _____
Address _____ Applicant _____

Dear Sir/Madam:

The above-named person is applying for admission to public housing and has expressed a need for either a unit with the special features, or a live-in-aide. The applicant has named you as a person who can verify the need for the features/aide. Indicate whether, in your professional judgment, the applicant needs the features noted below in an apartment, or needs the services of a live-in-attendant as a reasonable accommodation to a disability. If you have any questions, please call me at _____. Your prompt return of this form in the attached stamped, self-addressed envelope would expedite processing.

Sincerely: _____
Name _____ Signature _____

1. Name of family member with special housing need: _____
2. Nature of need(s):

Special Unit

- | | |
|--|--|
| <input type="checkbox"/> A separate bedroom | <input type="checkbox"/> Unit for Vision-Impaired |
| <input type="checkbox"/> A barrier-free apartment | <input type="checkbox"/> Unit for Hearing-Impaired |
| <input type="checkbox"/> One-level unit | <input type="checkbox"/> Bedroom & Bath on 1 st Floor |
| <input type="checkbox"/> Other modifications to unit | <input type="checkbox"/> Extra Bedroom |
| <input type="checkbox"/> Live In Attendant | |

3. Verification and explanation of need(s): Please do not provide any information about the nature or extent of the applicant's disability. Simply indicate whether, in your professional judgment, the applicant needs the above feature in an apartment: _____

4. Name of person providing verification _____ Signature _____

Name of Agency _____
Phone # _____ Agency Address _____ Date _____

I, _____ hereby authorize the release of the requested information.
Signature _____ Date _____

Housing Authority of the _____

Checklist for Disability Assistance Expense Verifications

- ☐ Attendant care frees a family member, including the handicapped family member, to work:
- ☐ Written certification from attendant as to cost incurred.
- ☐ Copies of canceled checks used to make attendant care payments, receipts from care source.
- ☐ Written certification from Rehabilitation Agency or doctor that handicapped person requires care to be employed, or that care enables another family member to work.
- ☐ Auxiliary apparatus frees a family member, including handicapped family member, to work:
- ☐ Receipts for purchase of apparatus.
- ☐ Evidence of monthly payments or total payments for apparatus.
- ☐ Where handicapped family member is employed, a statement from the employer that the apparatus is necessary for employment.
- ☐ Written certificate from Rehabilitation Agency or doctor that handicapped person requires auxiliary apparatus to be employed, or to enable another family member to work.
- ☐ Certification by family that no repayment is received for the costs associated with attendant care or auxiliary apparatus provided.

Housing Authority of the _____

Date _____

Disability Expense Allowance Verification

(Transmittal Letter)

Dear Sir or Madam:

Special considerations in public housing are authorized for families with expenses related to the attendant care or auxiliary apparatus required for a family member with disabilities. The availability of the care or the apparatus must enable the person with disabilities or other family member to work. Verification of the need for and amount of such expenses can result in a reduced rent for the family. Such verifications must be retained in our files.

Will you please fill in the information or certify as to the need for attendant care or auxiliary apparatus as requested on the attached form? Once completed please return it to us as soon as possible. We will keep the information in strict confidence and will use it to determine the family's eligibility for reduced rent.

Sincerely,

Tenant/Applicant Release

I/We, _____, hereby give consent for the information sought by this letter to be released as requested.

Signature

Date

Housing Authority of the _____

Date _____

Certification of Need for Person with Disabilities

For Attendant Care Auxiliary Apparatus

Name of family member with disability: _____

Full name and address of professional completing this certification:

Name: _____

Address: _____

I certify that the above-named person requires the services of an attendant or the use of auxiliary apparatus to enhance his/her ability to live independently.

The availability of the care or auxiliary apparatus enables:

the person with a disability named above to work, and/or

other family member(s) to work.

If further information is required, please contact _____

By calling (____) _____ - _____.

Signature

Date

Title _____

Housing Authority of the _____

Date _____

Attendant Care Verification

TO WHOM IT MAY CONCERN: Public Housing Authorities are required by Federal Law to verify the cost of attendant care for residents with disabilities so that the costs may be taken into consideration when computing rent. You will note that the resident has signed a release form below, giving you permission to supply us with this information. If you could fill out the form below and return it, it would be most appreciated.

Sincerely yours,

VERIFICATION

I hereby certify that I provide care for _____ (disabled person) and that this care enables _____ to earn employment income.

During the year beginning _____ and ending _____, I will be providing care _____ hours per week, for _____ weeks of the year. My rate of pay is _____ per hour, and I will be paid once every _____. The hours when I will be providing care area as follows:

Monday: _____ hours
Tuesday: _____ hours
Wednesday: _____ hours
Thursday: _____ hours
Friday: _____ hours
Saturday: _____ hours
Sunday: _____ hours

Name: _____ Date: _____

Signature: _____ Phone #: _____

Title: _____

Tenant/Applicant Release

I, _____, hereby authorized the release of the requested information.

Signature Date

Housing Authority of the _____

Date: _____

**Employer's Certification of Need for
Auxiliary Apparatus to Permit Employment**

Name of family member with disabilities: _____

Full name and address of employer completing this certification:

Name: _____

Address: _____

I certify that the above-named person is employed by our agency/firm; and that the use of auxiliary apparatus is necessary for his/her employment.

If further information is required, please contact _____

By calling (____) _____ - _____.

Signature Date

Title

Tenant/Applicant Release

I, _____, hereby authorize the release of the requested information.

Signature Date

Housing Authority of the _____

Date: _____

**Auxiliary Apparatus Cost Verification Sheet
Family Member with Disability**

Family member's name: _____ Age _____

Indicate the type of apparatus furnished to the handicapped or disabled family member:

Wheelchair

Reading Device

Walker

Other: _____

Indicate if apparatus is leased or purchased:

Date purchased: ____/____/____

Cost: \$ _____

Date Leased: ____/____/____

Cost: \$ _____

Are installment or lease payments being made? Yes No

If yes, indicate frequency and amount: \$_____, _____ weekly _____ monthly

Term of installment purchase or lease: _____ (# of months, from _____ to _____).

Estimated apparatus costs for upcoming 12 months _____.

Equipment added to vehicles to permit use by a handicapped or disabled individual:

Describe type of equipment: _____

Estimated cost (labor and materials): \$ _____

Type of vehicle modified:

Car: _____	make _____	model _____	year _____	tag # _____
Truck: _____	make _____	model _____	year _____	tag # _____
Van: _____	make _____	model _____	year _____	tag # _____

Date modified: ____/____/____

Are payments being made on vehicle modifications? ڤ Yes ڤ No

If yes, indicate frequency and amount: \$ _____

_____ Weekly _____ monthly other: _____

Term of installment purchase: _____

(# of months), From _____ to _____

Estimated vehicle modification costs for upcoming 12 months: \$ _____

Name of individual or company that has or will provide apparatus or vehicle modification:

Name: _____ Phone #: _____

Address: _____

Contact person:

Signature

Date

Title

Housing Authority of the _____

**Family Certification for
Disability Expense Reimbursement**

Name of family member with disability: _____

I/We _____ certify that the above-named person is being provided with attendant care or the use of auxiliary apparatus to enhance his/her ability to live independently. The circumstances related to the cost of the care or apparatus are as follows:

- ف We do not receive reimbursement from any outside source such as insurance, Medicare, state grants, or individuals.
- ف We are receiving reimbursement for a portion of these costs from _____ in the amount of \$_____ per _____ week _____ month. We will provide third party documentation as to the frequency and amount of this reimbursement.
- ف The cost of attendant care or auxiliary equipment is not paid to a family member living in our household.

Signature

Date

Title

ADDENDA NO. 2

LIVE-IN AIDE POLICY

In accordance with Federal Regulation 24 C.F.R. 965.4(d)(3)(1), the Housing Authority has adopted the following policy regarding the regulation of the residence of live-in aides in dwelling units owned by the Authority. This policy is designed to enable the Authority to determine the proper accommodation of the mental or physical handicaps of tenants in a manner consistent with the rights of other tenants and the purposes of the Authority's housing program.

1. General Legal Qualifications In order to be eligible for a live-in aide.

The aide may reside with a disabled or handicapped person if the aide:

- a. is determined to be essential to the care and well-being of the tenant or the tenant's household;
- b. is not obligated for the support of the tenant;
- c. would not be living in the household, except to provide the necessary supportive services;
- d. is not in residence in the unit to provide such significant supportive services so that the tenant cannot participate in the Authority's housing program presently constituted or would require the Authority to significantly or substantially change the basic nature of its housing program.

2. Request Procedure.

In order to gain approval for a live-in aide, a tenant must comply with the following procedures.

- a. Tenant shall submit the request in writing on a fully completed live-in aide request form.

- b. The said request form shall supply all information requested including the reasons for the request, how a live-in aide would help the tenant comply with the terms of the lease and how the presence of a live-in aide accommodates the tenant's particular needs.
 - c. Tenant shall provide medical documentation of the tenant's physical or mental disability necessitating the live-in aide. Tenant shall grant the Authority access to the tenant's medical records and history.
 - d. Tenant shall submit to any mental or physical evaluations by Authority's physicians or other experts in order to determine the nature and significance of Tenant's mental and physical impairment. If the Authority, in its sole discretion, is not satisfied with the medical documentation received by tenant.
3. **Evaluation Criteria.** If the Authority agrees that the tenant qualifies for a live-in aide in accord with paragraphs 1 and 2 of this policy, tenant shall submit the name of the specific live-in aide to the Authority for approval of the specific aide chosen. The Authority will consider the following in making its determination of the suitability of the live-in aide:
- a. Standard tenant selection criteria pertaining to ability to abide by the terms of a lease, including criminal history.
 - b. Qualifications of the proposed individual to act as a live-in aide for the particular tenant. This shall include but not be limited to:
 - 1. Experience in rendering the type of aid necessary for the particular tenant as required by the medical information as evaluated by the Authority.
 - 2. The training or education of the prospective aide which would help or prepare the proposed live-in aide to provide the necessary care.
 - c. Whether the availability of the proposed aide is sufficient to meet the needs of the tenant.
 - d. The suitability of the tenant's unit, considering the addition of the aide to the household and whether a properly sized unit is available where a transfer is possible.
4. **Continuing Evaluation.** The status of the residency of the aide is subject to periodic review by the Authority. The aide may be removed by the Authority if he or she fails to abide by the terms of the lease, becomes medically unnecessary or fails to meet any criterion of this policy. The tenant's medical condition is also subject to periodic review to determine that tenant continues to be qualified for the aide program. Tenant, upon request by the Authority, must submit Tenant's current medical records and must cooperate with medical tests or evaluations performed by Authority's medical experts upon request.

REQUEST FOR APPROVAL OF LIVE-IN-AIDE

The undersigned resident hereby attest as follows:

1. I am disabled and/or handicapped person.
2. As a result of my disability/handicap, I require the care of a resident live-in aide for _____ (insert time period).
3. Such live-in aide would not be obligated for my financial support.
4. Such live-in aide would not be living in my household, except to provide the necessary supportive services.

I hereby furnish the Housing Authority with the enclosed medical documentation evidencing my physical or mental disability/handicap necessitating the residency of a live-in aide within my dwelling unit for the above stated time period and attesting to the fact that such residency is essential to my care and well being, and that the live-in aide would accommodate my particular needs.

I hereby grant the Housing Authority access to my medical records and history.

I hereby agree to submit to any mental or physical evaluation by the Housing Authority's physicians or other experts in order to determine the nature and significance of my mental or physical impairment, if the Authority, in its sole discretion, is not satisfied with the enclosed medical documentation.

I understand that if the Authority agrees that I qualify for a live-in aide, I must submit the name of the specific live-in aide to the Authority for approval. I further understand that the Authority will consider the following in making its determination of the suitability of the live-in aide.

1. Standard tenant selection criteria pertaining to ability to abide by the terms of a lease, including criminal history
2. Qualifications of the proposed individual to act as a live-in aide. This shall include, but not be limited to:
 - a. Experience in rendering the type of aide necessary for the tenant's care as required by the medical information furnished hereunder.
 - b. The training or education of the prospective aide which would help or prepare the proposed live-in aide to provide the necessary care.
3. Whether the availability of the proposed aide is sufficient to meet the tenant's health care needs.
4. The suitability of the tenant's dwelling unit, considering the addition of the aide to the household, and whether a properly sized unit is available where a transfer is possible.

I understand that the status of the residency of the aide if approved, shall be subject to periodic review by the Authority; and the aide may be removed by the Authority if he or she fails to abide by the terms of the lease, or the aide becomes medically unnecessary or fails to meet any criteria of the Authority's Live-In Aide Policy. In addition, I understand that my medical condition is also subject to periodic review to determine if I continue to qualify for the aide program.

DATE: _____

TENANT'S SIGNATURE

TENANT'S ADDRESS