

# **HADDON TOWNSHIP HOUSING AUTHORITY**

## **POLICY ON ADMISSIONS & CONTINUED OCCUPANCY**

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# **POLICY ON ADMISSIONS AND CONTINUED OCCUPANCY**

## **INTRODUCTION**

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The provisions of this Admissions and Continued Occupancy Policy (hereinafter “Policy”) govern admission to and continued occupancy of the HUD Assisted Low-Income Housing Development owned and operated by the Haddon Township Housing Authority (hereinafter “Authority” or “HTHA”).

The purpose of this Policy is to:

- ❑ Establish a fair and equitable policy for selecting applicants to occupy housing units owned and operated by the Authority;
- ❑ Provide fair and reasonable procedures to govern the occupancy of those units in accordance with regulations of the U.S. Department of Housing and Urban Development (HUD);
- ❑ Establish a fair and equitable policy for granting transfers to residents;
- ❑ Permit each applicant and resident the greatest opportunity for the exercise of individual rights.

This Policy conforms to all current HUD regulations. The Authority will comply with any subsequent changes in HUD regulations pertaining to admissions and continued occupancy. If such changes conflict with the provisions of this Policy, HUD regulations will have precedence.

At times when the rehabilitation of a large number of units or other factors indicate a need for special tenant selection policies, amendments to this Policy may be adopted and implemented following HUD approval.

## **1.0 FAIR HOUSING**

It is the policy of the Haddon Township Housing Authority to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. The Authority shall affirmatively further fair housing in the administration of its public housing program.

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Authority's programs. The Authority shall not deny to any family the opportunity to apply for housing or deny any eligible applicant the opportunity to lease a housing unit suitable to its needs.

The Housing Authority will assist any family that believes they have suffered illegal discrimination by providing the family with copies of the appropriate housing discrimination forms. The Authority will also assist them in completing the forms if requested, and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

## **2.0 REASONABLE ACCOMMODATION**

Haddon Township Housing Authority does not discriminate against applicants on the basis of their race, religion, sex, national origin, disability, or familial status. In addition, the Authority has a legal obligation to provide "reasonable accommodations" to applicants and/or Residents if they or any family members have a disability.

A reasonable accommodation is some modification or change the Authority can make to its apartments or procedures that will assist a Resident or family with a disability to abide by the terms of the lease, and take advantage of the Authority's programs and services. Examples of reasonable accommodations would include:

- Making alterations to a unit so it could be used by a family member with a wheelchair; or transferring a resident to a unit designed with special features for persons with disabilities;
- Installing strobe type flashing light smoke detectors in an apartment for a family with a hearing impaired member;
- Permitting a family to have a Seeing Eye dog to assist a vision-impaired applicant during the application process;
- Making large type documents or a reader available to a vision-impaired applicant during the application process;
- Making a sign language interpreter available to a hearing impaired applicant during the interview;
- Permitting an outside agency to assist an applicant with a disability to meet the Authority's lease criteria.

An applicant family or resident 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 maintain housekeeping standards as set forth by the Authority, to report required information to the Authority, to avoid disturbing their neighbors, etc., but there is no requirement that they be able to do these things without assistance.

Any requests for reasonable accommodations must be submitted in writing to the Housing Authority.

### **2.1 Services for limited English, Proficiency Applicants and Residents.**

Haddon Township Housing Authority shall do its best, within reason, to assist people with Limited English Proficiency (LEP). This shall be accomplished by assessing the need of LEP persons using the four factors described in the January 22, 2007 Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; Notice published in the Federal Register. The Housing Authority shall balance these factors in deciding what to do: a judgment will be made at the interview.

- A. The number or proportion of LEP persons served or encountered in the eligible service area;
- B. The Frequency with which LEP individuals come in contact with the program;
- C. The nature and importance of the program, activity, or service provided by the program; and
- D. The resources available to the Housing Authority and costs.

Depending upon what this analysis reveals, the Housing Authority may or may not prepare a Language Access Plan (LAP). If a LAP is needed, the guidance outlined in the above reference Notice shall be utilized.

In addition, the Housing Authority will endeavor to have bilingual staff or access to people who speak languages other than English. Finally, the Housing Authority shall utilize multilingual "I speak" cards to the maximum degree possible.

### **3.0 RIGHT TO PRIVACY**

Family members are required to annually sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states under what conditions HUD will release tenant information.

Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations.

### **4.0 REQUIRED POSTINGS**

The Authority will post in the main office, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Admission and Continued Occupancy Policy**
- B. Excess Utility Charges**
- C. Dwelling Lease**
- D. Grievance Procedure**
- E. Fair Housing Poster**
- F. Equal Opportunity in Employment Poster**
- G. Any current Authority Notices**
- H. Current Income Limits**
- I. Request for Reasonable Accommodation Form**
- J. House Rules**
- K. Flat Rents**

### **5.0 ELIGIBILITY FOR ADMISSION**

#### **5.1 INTRODUCTION**

There are five eligibility requirements for admission to public housing: qualifies as a family, has an income within the income limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security numbers, and signs consent authorization documents.

In addition to the eligibility criteria, families must also meet the Authority's screening criteria in order to be admitted to public housing.

#### **5.2 ELIGIBILITY CRITERIA**

##### **A. Family Status**

- 1.** A family from Rohrer Towers 1 consists of no more than two persons, one of whom Must be 62 years or older.

##### **B. Income eligibility**

- 1.** To be eligible for admission to the Authority's developments, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.



2. Income limits apply only at admission and are not applicable for continued occupancy.
3. Income limit restrictions do not apply to families transferring within the Public Housing Program.
4. The Authority may allow police officers who would not otherwise be eligible for occupancy in public housing to reside in a public housing dwelling unit. Such occupancy must be needed to increase security for public housing residents. Their rent shall at least equal the cost of operating the public housing unit.

**C. Citizenship/Eligibility Status**

1. Family eligibility for assistance.
  - a. A family shall not be eligible for assistance unless at least one member of the family residing in the unit is determined to have eligible status, with the exception noted below.
  - b. Despite the ineligibility of one family member, a family may be eligible for one of three types of assistance. (See Section 11.4 for calculating rents under the noncitizen rule)
  - c. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

All adults must be able to sign the lease. If the State of **New Jersey** forbids individuals with ineligible immigration status from executing contracts (i.e. leases or other legal binding documents), then they are ineligible for this program.

**D. Social Security Number Documentation**

Prior to admission, both family members regardless of age must provide the Housing Authority with a complete and accurate Social Security Number unless they do not contend eligible immigration status. The Housing Authority may grant one ninety (90) day extension if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

If a person is already a program participant and has not disclosed his or her Social Security Number, it must be disclosed at the next re-examination or re-certification.

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

If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. The Housing Authority may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

**E. Signing Consent Forms**

1. In order to be eligible each member of the family shall sign one or more consent forms.
2. The consent form(s) must contain, at a minimum, the following:
  - a. A provision authorizing HUD and the Housing Authority to obtain any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
  - b. A provision authorizing HUD or the Housing Authority to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
  - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
  - d. A statement allowing the Housing Authority permission to access the applicant's criminal record with any and all police and/or law enforcement agencies; and
  - e. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.

**5.3 TENANT SELECTION CRITERIA**

- A. Applicant will be evaluated to determine whether, **based on their recent behavior**, such behavior could reasonably be expected to result in noncompliance with the public housing lease. The Authority will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other residents, Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.
- B. The Authority will consider objective and reasonable aspects of the family's background, including the following:
  1. History of meeting financial obligations, especially rent;
  2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other residents;
  3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including violent or drug-related criminal activity that would adversely affect the health, safety, or well being of other residents or staff or cause damage to the property;
  4. History of disturbing neighbors or destruction of property;
  5. Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and

6. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
- C. The Authority will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. The Authority will verify the information provided. Such verification may include but may not be limited to the following:
1. A credit check of the head, spouse, co-head, and any other adult family members;
  2. A rental history check with previous landlords or other appropriate sources of both adult family members;
  3. A criminal background check on both family members, including live-in aides, at no cost to the applicant. This criminal background check will proceed after each adult household member has signed a consent form designed by the Authority. The information received as a result of the criminal background check shall be used solely for screening, lease enforcement and eviction purposes.

The information derived from the criminal background check shall be shared only with employees of the Authority who have a job-related need to have access to the information.

4. A home visit for applicants who live within a 25-mile radius of Haddon Township. 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
5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered under a State sex offender registration program will be admitted to public housing. The Authority will check with our state registry and if the applicant has resided in another State(s), with that State(s)'s list.

The Haddon Township Housing Authority will also utilize the US Department of Justice's Dru Sjodin National Sex Offender website as an additional resource. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries.

If an applicant is about to be denied housing based on any of the above five screening criteria, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the denial.

#### **5.4 GROUND FOR DENIAL**

The Authority is not required or obligated to assist families where applicants, including members of the applicant's household:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;

- D. Have a history of not meeting financial obligations, especially rent;
- E. Do not have the ability to maintain (with assistance) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other residents;
- F. Have a history of criminal activity by any household member 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 other residents or staff or cause damage to the property;

For the purpose of this Policy, if any member of the applicant family has been arrested at least **two** times within the prior **ten (10)** year period for this purpose, they will be determined to have engaged in criminal activity, drug-related criminal activity or violent criminal activity.

Being a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission. The Authority will require verification in all cases where an applicant claims protection against an action proposed to be taken by the Authority involving such individual. Types of acceptable verifications are outlined in Section 15.3B of the ACOP, and must be submitted within 14 business days after receipt of the Housing Authority's written request for verification.

- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. 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 there from;
- J. Were evicted from federally assisted housing within the past 5 years because of drug-related criminal activity. The 5 years is based on the date of such eviction, not the date the crime was committed.
- K. Convicted of drug trafficking, defined as the illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance;
- L. Are currently engaging in the illegal use of a controlled substance. For purposes of this section, a member is "currently engaged in" the criminal activity if the person has engaged in this behavior recently enough to justify a reasonable belief that the behavior is current;
- M. The Housing Authority determines that it 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;
- N. The Housing Authority determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

**For paragraphs L, M and N above:** In determining whether to deny admission for illegal drug use by a household member who is no longer engaging in such abuse, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the Housing Authority may consider whether such household member:

1. Is participating in a supervised drug or alcohol rehabilitation program;  
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2. Has successfully completed a supervised drug or alcohol rehabilitation program; or
3. Has otherwise been successfully rehabilitated.

For this purpose, the Housing Authority will require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

- O. Have engaged in or threatened abusive or violent behavior towards any Authority staff or residents;
- P. Are fugitive felons, parole violators, and/or persons fleeing to avoid prosecution or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
- Q. **Denied for Life: If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development, in a Section 8 assisted property, or on the premises of other federally assisted housing;**
- R. **Denied for Life: Has a lifetime registration under a State sex offender registration program.**

In addition to the automatic denials listed above, a housing authority **may** deny applicants "whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment."<sup>8</sup> This means that a housing authority has wide *discretion* over whom it allows into its federal public housing programs. In general, this means a housing authority will consider your rent-paying history and will look at whether you have a record of disturbance of neighbors, destruction of property, or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other tenants.

Families terminated from the Haddon Township Housing Authority's public housing program for cause (other than criminal activity) shall be denied admission to the public housing program for 7 years from the date of the termination, unless a longer prohibited period is specified in this Section 5.4)

With respect to criminal activity and/or other violations described in this Section:

**Unless otherwise provided by law, proof of violation shall not require an arrest, charge, or criminal conviction, but shall be by a preponderance of the evidence.**

Haddon Township Housing Authority will include those instances using the preponderance of evidence definition in Black's Law Dictionary which states:

"Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more provable than not."

Before the Authority makes a final determination to deny admission to the Authority's public housing program on the basis of a criminal background, the Authority must notify the household of the proposed action and must provide the Person with the criminal record and the head of household with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record. The household will have ten (10) calendar days to dispute the accuracy and relevance of the record by requesting an informal hearing in writing. If the Housing Authority does not receive the dispute within the allotted time, the applicant will be denied.

**5.5 INFORMAL REVIEW**

- A. If the Authority determines that an applicant does not meet the criteria for receiving public housing assistance, the 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 and state that the applicant may request an informal review of the decision within 10 days of the denial.

Within 15 business days of the receipt of a request for an informal review, the Authority shall notify the ineligible applicant of the date and time of the review. The applicant has the right to a reasonable opportunity to examine any documents related to the determination of ineligibility.

The informal review is to be conducted by an impartial review panel who had no part in the ineligibility determination, appointed by the Executive Director. The applicant must be given the opportunity to present written or oral objections to the Authority's decision. The Authority must notify the applicant in writing of the final decision within 10 business days after the informal review, including a brief statement of the reasons for the final decision. A copy of the written decision will be retained in the applicant's file.

Any applicant determined eligible after going through the informal review shall be placed on the waiting list(s) according to the date of the original application.

- B. For nationals or noncitizens, the applicant family may request that the Authority provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. The participant family must make this request within 30 business days of receipt of the Notice of Denial or Termination of Assistance, or within 30 business days of receipt of the INS appeal decision.

For the applicant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 business days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

**6.0 APPLICATIONS FOR ADMISSION**

**6.1 COMPLETED APPLICATIONS**

Interested persons may apply for admission to Haddon Township Housing Authority's public housing development by completing an application form. Completed applications must be submitted in person at the Housing Authority's Office located 25 Wynnewood Avenue, Westmont, NJ. The Office is open every business day from 8:30 A.M. until 4:30 P.M.

Anyone may apply, as long as the waiting list is open; the Authority will not deny anyone the right to complete an application.

Applications are taken to compile a waiting list. All completed applications will be date and time stamped.

Persons with disabilities who require a reasonable accommodation in completing an application may call the Authority to make special arrangements.

The application process will involve two phases. The first phase is the application for housing assistance, which requires the family to provide Consent for Release of Information forms, limited basic information regarding income and establishing any preferences to which they may be entitled. Information provided by the applicant will be reviewed to determine if the applicant appears to be eligible.

It is the responsibility of the applicant to accurately and completely fill out the application. Authority staff shall be available to assist with the application process. If an incomplete application is received, Authority staff will make reasonable efforts to contact the applicant and inform him/her of the additional information required. If those efforts fail, the application will be considered withdrawn. Reasonable efforts shall not exceed two telephone calls or if necessary a letter will be sent to the applicant. A record of those efforts shall be maintained with the application.

Upon receipt of the family's complete application, the Authority will make a preliminary determination of eligibility. If preliminarily eligible, the family will be placed on the waiting list(s). If the Authority determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant is responsible for informing the Authority of any changes in their applicant status including changes in family composition, income, or preference factors. All reported changes from the applicant must be in writing. The Authority will annotate the applicant's file and will update their place on the waiting list(s). The applicant is also responsible for informing the Authority if the family's address or phone number changes. Failure to do so may result in an application being withdrawn.

## **6.2 FINAL ELIGIBILITY DETERMINATION**

The second phase is the final determination of eligibility, referred to as the full application stage. The full application takes place when the family nears or reaches the top of the waiting list. At this point, a criminal background check, landlord check, credit check and a home visit will be conducted using current consent forms. Pending the outcome of these reviews, otherwise eligible applicants at the top of the waiting list will be given an appointment with the management staff for an interview to update information on the original application.

Each applicant family shall be required to provide all information and authorizations to enable the Authority to verify all preferences, eligibility, suitability and selection factors in order to determine the family's final eligibility for admission into public housing.

If the preference verification indicates that the family is no longer entitled to the preference on their application form, they will be placed on the waiting list(s) with other non-preference holders according to date of the original pre-application. The Authority must notify the family in writing of this determination and give the family the opportunity for an informal review.

The verification process is discussed in Section 8.0 of this Policy.

Applicants will also be provided the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. The form gives applicants the option to identify an individual or organization that the Housing Authority may contact and the reason(s) the individual or organization may be contacted. The applicants, if they choose to provide the additional contact information, must sign and date the form.

If the applicant chooses to have more than one contact person or organization, the applicant must make clear to the Housing Authority the reason each person or organization may be contacted. The Housing Authority will allow the applicant to complete a form HUD-92006 for each contact and indicating the reason the Housing Authority may contact the individual or organization. For example, the applicant may choose to have a relative as a contact for emergency purposes and an advocacy organization for assistance for tenancy purposes.

Those applicants who choose not to provide the contact information should check the box indicating that they "choose not to provide the contact information" and sign and date the form.

## **7.0 MANAGING THE WAITING LIST**

### **7.1 OPENING AND CLOSING THE WAITING LISTS**

Applications for admission to Haddon Township's Housing Authority's public housing development are normally accepted on an ongoing basis. However, when the Authority determines that the waiting list has grown unreasonably long, the Authority may cease taking pre-applications and close the waiting list. The Authority will publicly advertise the closing and reopening of pre-application intake periods in local newspapers. The public notice for reopening of the intake period will state where, when, and how to apply.

### **7.2 ORGANIZATION OF THE WAITING LIST**

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

- A. The application will be a permanent file;
- B. All applications on the waiting list will be maintained in order of preference, then priority and then in order of date and time of application; and
- C. Any contacts between the Authority and the applicant will be documented in the applicant file.

### **7.3 PURGING THE WAITING LISTS**

The Authority will update and purge its waiting list periodically to ensure that the pool of applicants reasonably represents the interested families for whom the Authority has current information, i.e. applicant's address, family composition, income category, and preferences. The Authority shall mail requests to each applicant for updated household information. Each applicant shall be required to respond within a specific time frame, which shall be no less than two weeks from the date the request was mailed to the applicant by the Authority.

The application of any household that fails to respond to the update request by the specific deadline date will be deemed withdrawn. Once an application is withdrawn, it may not be re-activated. To be considered for admission, the applicant shall be required to reapply.

### **7.4 REMOVAL OF APPLICANTS FROM THE WAITING LISTS**

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

- A. The applicant requests in writing that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program;
- C. The applicant does not meet either the eligibility or suitability criteria for the program.
- D. The applicant is housed.
- D. The family refuses 3 unit offers without good cause.



## 8.0 VERIFICATION

The 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; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

### 8.1 ACCEPTABLE METHODS OF VERIFICATION

#### A. VERIFICATION METHODS:

Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or, for citizenship, documentation such as listed below will be required.) 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 the following verification methods acceptable to HUD, in the order of preference indicated:

#### 1. Up-front Income Verifications (UIV)

UIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals. Current UIV resources include the following:

- a. **Enterprise Income Verification (EIV)** – The EIV System is a web-based application, which provides PHAs with employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs under the jurisdiction of the Office of Public and Indian Housing (PIH). Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth (DOB), and social security number (SSN)) reported on the form HUD-50058. **USE OF EIV FOR ANNUAL AND INTERIM REEXAMINATIONS IS HUD MANDATED**

The Housing Authority will monitor the following EIV reports on a monthly basis – (1) Deceased Tenants Report, (2) Identity Verification Report, and the (3) Immigration Report. In addition, it will monitor on a quarterly basis the following EIV reports – (1) Income Discrepancy Report, Multiple Subsidy Report, and the New Hires Report.

- b. **State Wage Information Collection Agencies (SWICAs)**
- c. **State systems for the Temporary Assistance for Needy Families (TANF) program**
- d. **Credit Bureau Information (CBA) credit reports**
- e. **Internal Revenue Service (IRS) Letter 1722**
- f. **Private sector databases (e.g. The Work Number)**

EIV/UIV sources will be used before, during and/or after regular and interim reexaminations of household income as appropriate.

EIV is not available for families just entering the public housing program, and sometimes is not available for current public housing families. In these cases, one of the following verification methods in the hierarchy order listed below shall be used for verifying sources of income.

**Note:** Social Security benefit information in EIV is updated every three months. If the tenant agrees with the EIV-reported benefit information, PHAs do not need to obtain or request a benefit verification letter from the tenant.

**Note:** Income figures from EIV may not always be correct.

## 2. Third –Party Written Verifications

This type of verification typically includes written documentation, with forms sent directly to and received directly from a source, not passed through the hands of the family. These are original or authentic documents generated by a third party source dated either within the 60-day period preceding the reexamination or the Housing Authority request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. It is HUD's position that such tenant-provided documents are written third party verification since these documents originated from a third party source. The Housing Authority may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third party source) include, but are not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Current acceptable tenant-provided documents will be used for income and rent determinations.

The Housing Authority will obtain four current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, the Housing Authority will project income based on the information from a traditional written third party verification form or the best available information.

Third-party written verifications may also be used to supplement Up-front Income Verifications.

Because EIV/UIV information may not always be available for persons just entering the public housing program, verification of SS and SSI benefits shall be obtained by getting a copy of an official Social Security Administration letter of benefits (dated within the last sixty (60) days) from the person receiving the benefits. When this is the case, the file shall be documented as to why EIV/UIV and third party verification was not used.

The Housing Authority will allow 2 weeks for the return of third party written verifications prior to continuing on to the next type of verification.

## 3. Third-Party Oral Verifications

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained.

The Housing Authority will allow ten (10) business days for the return of third party oral verifications prior to continuing on to the next type of verification.

#### 4. Review of Documents

When UIV, written and oral third party verifications are not available within the two (2) weeks and ten (10) business days period allowed in 3 and 4 above, the Housing Authority will use the information received by the family, provided that the documents provide complete information. For example, verification of SS and SSI benefits for applicants shall be obtained by getting a copy of an official Social Security Administration letter of benefits (dated within the last sixty (60) days) from the person receiving the benefits.

Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).

#### 6. Self-Certification and Self-Declaration

When UIV, written and oral third party verifications are not available within the two weeks (2) and 10 business days allowed in 3 and 4 above, and hand-carried verification cannot be obtained, the Housing Authority will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

Third-party written, third-party oral and family-provided verifications may also be used to supplement Up-front Income Verifications.

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.

Appendix 3 includes a chart outlining types of verifications that can be accepted.

### B. DISCREPANCIES IN VERIFIED INCOME

HUD has established the criteria for what constitutes a *substantial difference* in cases where UIV income data differs from third-party written, third-party oral, and/or family-provided income information. HUD defines a *substantial difference* as one that is \$ 200 or more per month.

Where there is a **substantial difference** between the UIV and any other sources, the Housing Authority will independently verify the UIV information through other sources and the family will be granted an opportunity to contest any adverse findings. The Housing Authority shall follow the guidelines below:

1. The Housing Authority shall request written **thirty-party verification** from the income source(s).
2. The Housing Authority will review **historical income** data for patterns of employment, paid benefits, and/or receipts of other income when the Authority cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
3. The Housing Authority must **analyze all data** (UIV, third-party verified data, and other documents including information provided by the family) and attempt to resolve the income discrepancy.
4. The Housing Authority will use the most **current verified income data** (and historical income data if appropriate) to calculate anticipated annual income.

If the foregoing procedure reveals and verifies a source of income and/or amount of income of \$200 or more per month that was not disclosed by the resident family, and the family has been given the opportunity to contest the findings, then the Housing Authority shall do one of the following:

1. Immediately calculate and collect the back rent due to the agency;
2. Establish a repayment plan for the resident to pay the sum due to the agency (see Section 19 for information on Repayment Agreements);
3. Terminate the lease and evict for failure to report income
4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency; and/or
5. Utilize other actions including criminal prosecution, reporting to the Credit Bureau, and/or any other appropriate remedy.

### **C. UPFRONT INCOME VERIFICATIONS PRIVACY REQUIREMENTS:**

It is important to note that EIV/UIV data will only be used to verify an applicant or resident's eligibility for participation in a rental assistance program and to determine the level of assistance the resident is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters EIV/UIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a resident until the Housing Authority has independently verified the EIV/UIV information and the resident has been granted an opportunity to contest any adverse findings through the established grievance procedure.

Furthermore, the information the Housing Authority derives from the EIV/UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

Once the data has served its purpose, it shall be destroyed by shredding. All wage, unemployment, employment, and new hire information shall be destroyed no later than two years from the date it is received.

### **8.2 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS**

The citizenship/eligible noncitizen status of both family members regardless of age must be determined. Prior to being admitted, 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, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

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

A family member who does not claim to be a citizen, national, or eligible noncitizen must be listed on a statement as a noneligible member and the list must be signed by the head of the household.

Any applicant who does not choose to declare their status must be listed on the statement as a noneligible member.

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 Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens 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.

### **8.3 VERIFICATION OF SOCIAL SECURITY NUMBERS**

Prior to admission, every family member regardless of age must provide the Haddon Township Housing Authority with a complete and accurate Social Security Number unless they do not contend eligible immigration status. New family members must provide this verification prior to being added to the lease. The Housing Authority may grant one ninety (90) day extension if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and was outside the control of the person.

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 an original document issued by a federal or state government agency, which contains the name of the individual and the Social Security Number of the individual, along with other identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions.

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

If an individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated. The Housing Authority may grant one ninety (90) day extension from termination if in its sole discretion it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

### **8.4 TIMING OF VERIFICATION**

Verification information must be dated within ninety (90) calendar days of certification for new admissions or reexamination for Authority residents. 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 Authority will only verify and update those elements reported to have changed.

### **8.5 RECEIPT OF A LETTER OR NOTICE FROM HUD CONCERNING INCOME**

- A. If a public housing resident receives a letter or notice from HUD concerning the amount or verification of family income, the resident shall bring the letter to \_\_the main office within thirty (30) calendar days of receipt.

- B. The main office shall reconcile any difference between the amount reported by the resident and the amount listed in the HUD communication. This shall be done as promptly as possible.
- C. After the reconciliation is complete, the Authority shall, if appropriate, adjust the resident's rent beginning at the start of the next month. If the reconciliation is completed during the final five (5) calendar days of the month, the new rent shall take effect on the first day of the second month following the end of the current month. In addition, if the resident had not previously reported the proper income, the Authority shall do one of the following:
  - 1. Immediately collect the back rent due to the agency;
  - 2. Establish a repayment plan for the resident to pay the sum due to the agency;
  - 3. Terminate the lease and evict for failure to report income; or
  - 4. Terminate the lease, evict for failure to report income, and collect the back rent due to the agency.

## **9.0 TENANT SELECTION AND ASSIGNMENT PLAN**

### **9.1 PREFERENCES**

**NOTE: A PREFERENCE DOES NOT GUARANTEE ADMISSION.** The applicant must still meet the Authority's other resident screening criteria before being accepted as a resident. (See Section 5, Eligibility For Admission.)

Otherwise eligible applicants will be selected according to the following preferences:

- A. **Applicants with an adult family member who either lives in or works in or has been hired to work in Haddon Township, New Jersey.** The residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- B. All other applicants

Based on the above preferences, all families in preference A will be offered housing before any families in preference B.

These factors being equal, the date/time of the application determines the order of selection.

### **VERIFICATION OF PREFERENCES:**

The following are acceptable types of preference verifications:

#### **Resident of Haddon Township:**

One of any of the following that show addresses:

Lease, utility bill, driver's license, voter registration card, award letter from any state or federal agency

**(P.O. Box addresses are excluded)**

**Works in work in Haddon Township:**

Pay stubs, tax return, W-2

**Has been hired to work in Haddon Township:**

Letter of hire from employer

Selection policies and procedures shall be exercised only to the extent that they do not impede attainments of the objectives of Title VI of the Civil Rights Act of 1964 and the goals related to housing families with a broad range of particular groups or category of otherwise eligible applicants.

**9.2 ACCESSIBLE UNITS**

When an accessible unit becomes available, the Authority shall offer the unit in the following order:

1. To current Housing Authority residents who have a disability (see definition of disabled person in Appendix 2, Definition of Terms) who would benefit from the unit's accessible feature, but whose current unit does not have such features. If there is more than one current resident requiring the accessibility features of the available unit, the family with the earliest written request for a transfer shall be selected for the unit. If there are no written requests for such transfers, transfers to the accessible unit shall be based on seniority.
2. To eligible and qualified households on the waiting list who have a disability which would benefit from the unit's accessibility features: (a) An accessible unit shall be offered first to applicant households who qualify for a preference and who need the specific features of the available unit. (b) Thereafter, an accessible unit shall be offered to households on the waiting list who need the specific accessibility features, in order of the eligibility verification date, but who do not have a preference. This is despite the presence on the waiting list of households with preferences and/or earlier application dates, but who do not require the specific accessibility features of the available unit.
3. To other eligible and qualified applicant households on the waiting list (without disabilities) in the order that their names come to the top of the waiting list. In this case, the household must agree, in writing, to transfer to a non-accessible unit at the request of the Authority.

Such applicants, however, will be requested to sign a written rider to the lease stating they will accept a transfer (at the Housing Authority's expense) if, at a future time, a family requiring an accessible feature applies or a family requires a transfer from a non-accessible unit. Any family required to transfer will be given a 30-day notice.

4. In the event there are no accessible units available to accommodate an applicant with a disability, the Authority shall make reasonable accommodations to physically adapt the available vacant unit for said applicant.

**9.3 ASSIGNMENT OF ONE-BEDROOM UNITS**

The outside waiting list for requests for a one bedroom apartment will be prioritized as follows:

1. An application from a couple
2. An application from a single person with a medical need accompanied by a medical note\*
3. An application from a single person for convenience

The internal waiting/transfer list will be prioritized as follows:

1. A request from a current resident with a medical need accompanied by a doctor's note\*
2. A request from a current resident for convenience

The filling of a vacant one bedroom apartment will be as follows:

1. A current resident with a medical need accompanied by a doctor's note
2. A couple on the outside waiting list
3. A single applicant with a medical need and doctor's note
4. A convenience request from a current tenant
5. A single applicant from the outside waiting list

All lists will be kept in order based on the date and time of request

\* The inability to sleep on a sofa bed will not be considered a medical need

**9.4 ASSIGNMENT OF BEDROOM SIZES**

The following will serve as a guideline to help the Authority determine each family's unit size without overcrowding or over-housing:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2

This is only a guideline; variations from this may be justified based on familial status, available units, market conditions, etc.

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. No assignment of units will be made which require the use of the living room for sleeping.



Rohrer Towers 1 has 100 units, 40 efficiency units with no separate bedrooms; the remaining 60 units are all just one bedroom.

**9.5 SELECTION FROM THE WAITING LIST**

The Authority shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income (Income Targeting).

To ensure this requirement is met we shall monitor quarterly the incomes of newly admitted families and the incomes of the families on the waiting lists. 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 lists to reach extremely low-income families.

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

**9.6 DECONCENTRATION POLICY**

The Haddon Township Housing Authority is not subject to the deconcentration requirements according to 24 CFR 903.

**9.7 OFFER OF A UNIT**

When the Authority determines that a unit will become available, we will contact the first eligible family on the waiting list who has the highest priority for this type of unit (and, if necessary, whose income category would help to meet the income targeting goal).

The Authority 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 three (3) business days from the date the family was contacted by telephone or from the date the letter was mailed to contact the Authority regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will be given three (3) business days to accept or reject the unit. This verbal offer and the family's decision must be documented in the applicant file. If the family rejects the offer of the unit, the Authority will document the file.

**9.8 REJECTION OF UNIT**

If in making the offer to the family the Authority skipped over other families on the waiting list in order to meet their Income Targeting goal 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 Authority did not skip over other families on the waiting list to reach this family and the family rejects the offer of a unit without good cause, the family will be placed at the bottom of the waiting list in the appropriate category (either with preference holders or non-preference holders). After **3 refusals** the family is removed from the waiting list and will have to reapply if they wish to continue to be considered for housing with the Housing Authority. If they choose to reapply they will be placed on the waiting list with all other qualified applicants according to preference and date and time of application.

In both cases, the family will be offered the right to an informal review of the decision to alter their application status.

If the family rejects the offer of a unit with good cause, they will not lose their place on the waiting list. Good cause includes reasons related to:

- A health professional verifies that the principal household member or an individual responsible for care of such individual is temporarily hospitalized or is in recovery from an illness and cannot move to the unit at that time.
- Unavailability of a unit with needed accessible features
- The family demonstrates that accepting the unit will place a family member's health or safety in jeopardy.
- The unit is not ready for move-in at the time of the offer.
- A family that does not need an accessible unit does not want to be subject to a 30-day notice to move.
- The family is bound by terms of current lease, etc.

The family must be able to document their refusal for good cause. If documentation is provided the family's position on the waitlist shall not change and they will not be moved to the bottom or dropped from the waitlist.

### **3. ACCEPTANCE OF UNIT**

The family will be required to sign a lease that will become effective no later than ten (10) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is sooner.

The applicant will be provided a copy of the Lease and House Rules (House Rules are also posted in the Authority's office). The Lease specifies the unit to be occupied, family composition, date of admission, the rent to be charged, excess utilities, and the terms and conditions of occupancy. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Authority personnel. The certification will be filed in the resident's file.

The orientation shall also include the resident's rights and responsibilities under the Violence Against Women Act.

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 Authority will retain the original executed lease in the resident's file.

When a family transfers to another unit, the existing Lease shall be canceled and a new Dwelling Lease executed for the second unit.

## **10.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT**

### **10.1 FAMILY CHOICE**

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the income-based rent method or having their rent set at the flat rent amount.

- A. Families who opt for the flat rent may request to have an interim reexamination and return to the income-based rent method at any time for any of the following reasons:
1. The family's income has decreased.
  3. The family's circumstances have changed increasing their expenses for medical care, etc.

3. Other circumstances creating a hardship on the family such that the income-based method would be more financially feasible for the family.
  4. Once the family returns to the income-based rent during their “recertification year”, they cannot revert to the flat rent until their next annual recertification.
- C. Families have only one choice per year except for financial hardship cases. In order for families to make informed choices about their rent options, the Authority will provide them with the following information whenever they have to make rent decisions:
1. The Authority's policies on switching types of rent in case of a financial hardship; and
  2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the Authority will provide the amount of income-based rent for the subsequent year only the year the Authority conducts an income reexamination or if the family specifically requests it and submits updated income information.

### **10.2 THE INCOME-BASED RENT METHOD**

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income;
- D. The welfare rent; or
- E. The Minimum Rent of \$50.

### **0.3 MINIMUM RENT**

The Authority has set the minimum rent at \$50. However if the family requests a hardship exemption, the Authority will suspend the minimum rent beginning the month following the family’s request until the Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. All requests for a hardship exemption must be submitted in writing.

- A. A hardship exists in the following circumstances:
  1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;
  2. When the family would be evicted because it is unable to pay the minimum rent;
  3. When the income of the family has decreased because of changed circumstances, including loss of employment; and
  4. When a death has occurred in the immediate family.
- B. No hardship. If the Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.

- C. Temporary hardship. If the 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 calendar 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, and all monies owed will be due and payable to the Authority. During the suspension period the Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists. Back rent will not be due in this circumstance.
- F. Appeals. The family may use the grievance procedure to appeal the Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

#### **10.4 THE FLAT RENT**

The 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 age, condition, amenities, services, and neighborhood. The 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 if necessary. Affected families will be given a 30-day notice of any rent change. Adjustments are applied at the end of the annual lease for each affected family.

Flat rents are incorporated into this policy upon approval by the Board of Commissioners.

#### **10.5 MANDATORY INCOME DISALLOWANCE**

The rules governing disallowance of income as a result of employment and its effect on the rent charged to a resident are as follows:

The incremental earnings due to employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion is only available to the following families:

1. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
2. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job-training program.
3. Families who are or were, within the past six (6) months, assisted under a State TANF or Welfare to Work program, as determined by the Authority in consultation with the local TANF agency, and whose earned income increases.

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

**10.6 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE**

A mixed family will receive full continuation of assistance if **ALL** of the following conditions are met:

- A. The family was receiving assistance on June 19, 1995;
- B. The family was granted continuation of assistance before November 29, 1996;
- C. The family's head or spouse has eligible immigration status; and
- D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse.

For other eligible mixed families, the family's assistance is prorated in the following manner:

- A. Determine the 95<sup>th</sup> percentile of gross rents (tenant rent plus utility allowance) for the Authority. The 95<sup>th</sup> percentile is called the maximum rent.
- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
- D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

**10.7 HOUSING AUTHORITY MISTAKES IN CALCULATING RENT**

If Haddon Township Housing Authority makes a mistake in calculating a resident's rent contribution and overcharges the resident, the resident shall receive a refund for the amount of the mistake going back a maximum of 12 months. The refund shall be given to the resident as soon as practical or credited to the resident's account, whichever the resident desires unless the resident owes the Housing Authority money in which case the debt shall be offset to the degree possible before the resident chooses between the two refund methods.

**10.8 PAYING RENT**

Rent and other charges due under the lease can be paid (either in person or by mail) at the Authority's Office located at 25 Wynnewood Avenue, Westmont, NJ 08108. **All payments must be by check or money order.**

Rent and other charges are due and payable on the first day of the month. If the Resident does not pay the full amount of rent by the close of business on the 5<sup>th</sup> day of the month, the Resident will be delinquent and charged an administrative late fee of \$5 per day, up to a maximum of \$25.

For checks returned for non-sufficient funds, the resident shall be assessed the amount charged to the Housing Authority by the bank, plus the \$5 per day late fee, up to a maximum of \$25.

On the first or any additional time a check is not honored for payment the Housing Authority may require rent to be paid by certified check or money order.

## **10.9 SECURITY DEPOSIT**

The family shall pay a security deposit with the Housing Authority as security that the family will comply with all the terms of the Lease. The amount of the Security Deposit will be commensurate with the amount listed in the Lease and as posted in the Housing Authority office.

The Housing Authority will fully comply with the Rent Security Law (N.J.S . 46:8-19 et seq.). This includes depositing the security deposit in an interest bearing account. Interest due the resident shall be paid at the termination of the Lease (however pending any charges against the Security Deposit)

The Housing Authority may permit installment payments of security deposits when a new Tenant demonstrates a financial hardship to the satisfaction of the Housing Authority. However, no less than one-half of the required deposit must be paid before occupancy. The remainder of the deposit must be paid within two months from the date of occupancy. Failure to meet this obligation will result in eviction.

## **11.0 RECERTIFICATIONS**

At least annually, the Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size.

### **11.1 ELIGIBILITY FOR CONTINUED OCCUPANCY**

The income, allowances and family composition of each household shall be reexamined within 12 months of the family's move-in date and no less than once each year thereafter. Reexaminations determine the resident's monthly rent, eligibility for continued occupancy and the required unit size

The Authority follows all pertinent HUD regulations in its completion of reexaminations.

Only those residents meeting all of the following requirements will be considered eligible for continued occupancy:

- A. Qualify as a family or the remaining member of a resident family.
- B. Have exhibited conduct since residing in public housing that shows the residents:
  - 1. Have not interfered with other residents in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare.
  - 2. Have not adversely affected the physical enjoyment of the community.
  - 3. Have not adversely affected the financial stability of the community.
- C. Are in full compliance with the terms and conditions of the Lease and the Drug-Free Housing Lease Addendum.

## **11.2 CHOICE OF RENT**

Each year at the time of the annual reexamination, the family has the option of selecting the Authority's established flat rent or having their rent based on the amount of their income (income-based rent). **Families have only one choice per year except for financial hardship cases.** In order for families to make informed choices about their rent options, the Authority will provide them with the following information whenever they have to make rent decisions:

1. The Authority's policies on switching types of rent in case of a financial hardship; and
2. The dollar amount of tenant rent for the family under each option. If the family chose a flat rent for the previous year, the Authority will provide the amount of income-based rent for the subsequent year during the year when the Authority conducts an income reexamination or if the family specifically requests it and submits updated income information.

## **11.3 REGULAR REEXAMINATIONS**

Approximately 90 days in advance of the scheduled annual reexamination effective date, the family shall be notified that they are required to participate in a reexamination interview.

Prior to recertification, the family shall provide all information regarding income, assets, family composition, allowances, and other information deemed necessary.

At the time of the recertification, all adult members of the household will be required to sign the recertification forms, Authorization for Release of Information forms (Consent forms), and all other forms required for occupancy.

The Housing Authority will access EIV/UIV sources and/or send the consent forms to the sources that will verify the family circumstances.

Upon receipt of verification for families selecting the income-based rent, the Authority will determine the family's annual income and will calculate their rent as follows:

The total tenant payment is equal to the highest of:

- A. 10% of the family's monthly income;
- B. 30% of the family's adjusted monthly income;
- C. The welfare rent; or
- D. The minimum rent of \$50.

The family will pay the greater of the total tenant payment or the Minimum Rent of \$50.

The family will also be required to select either the flat rent or the income-based rent. Each family shall sign a certification as to its rent choice.

Also, during the recertification, each household shall be asked whether any member is subject to the lifetime registration requirement under a state registration program. The Housing Authority will verify this information using the Dru Sjodin National Sex Offender Database and document this information in the same method used at admission. For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, the Housing Authority will pursue eviction of the household

If a family is about to be evicted from housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information before the eviction occurs.

Applicants will also be given the opportunity to update their HUD Form 92006 if applicable and if they so desire.

#### ***11.4 MISSED APPOINTMENTS***

Families failing to respond to the initial reexamination appointment will be issued a final appointment within one week. Failure by the family to attend the second scheduled interview will result in the Authority taking eviction actions against the family.

#### ***11.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS***

The new rent will generally be effective upon the anniversary date with thirty (30) calendar 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 30-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.

#### ***11.6 INTERIM REEXAMINATIONS***

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

Families are required to report the following changes to the Authority between regular reexaminations. If the family's rent is being determined under the income-based method, these changes will trigger an interim reexamination. The family shall report the following changes within ten (10) calendar days of their occurrence. All changes must be submitted in writing.

- A. All changes in household composition.
- B. Increases in income.
- C. Decreases in income.
- D. Increase in allowances or deductions.



**Cost of living increases in Social Security or public assistance grants need not be reported until next re-examination and redetermination of rent.**

For families on income-based rent, the Authority will schedule an interim reexamination if it is alleged that the resident has misrepresented the facts upon which the rent is based. In such cases, any increase in rent shall be made retroactive.

The Authority may, at its discretion, schedule interim reexaminations when it deems it is in its interest to do so.

Interim reexaminations do not affect regularly scheduled reexamination effective dates.

Families who opted for the flat rent at a previous annual reexamination may request to have an interim reexamination and return to the income-based rent method at any time for any of the following reasons:

1. The family's income has decreased.
2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
3. Other circumstances creating a hardship on the family such that the income-based method would be more financially feasible for the family.
4. Once the family returns to the income-based rent during their "recertification year", they cannot revert to the flat rent until their next annual recertification.
5. **All requests to return to the income-based rent must be submitted in writing on the Interim Family Choice of Rent Certification.**

**11.7 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 Authority may schedule special reexaminations every sixty (60) calendar days until the income stabilizes and an annual income can be determined.

**11.8 EFFECTIVE 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 day of the second month after the month in which the change occurred. 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.

### **11.9 CHANGES IN HOUSEHOLD COMPOSITION**

- A. Residents are required to report any change in household composition within ten (10) working days of the change. All changes must be submitted in writing.
- B. New household members may be added to the resident's lease if the new family member has been added as the result of marriage, reconciliation with a spouse, or award of full custody to or by a member of a household on the lease. The Authority has the right to deny admission to any person found to be ineligible.
- C. A resident requesting a live-in-aide will be required to provide verification of the need for a live-in-aide. In addition, before approval of the live-in-aide, the individual (live-in-aide) must complete an application form for purposes of determining citizenship/eligible immigrant status and the live-in-aide will go through the screening process similar to the process for applicants. The Authority will determine the eligibility of the live-in-aide before approval can be granted. If the individual is found to be ineligible or does not pass the screening criteria, the resident will be advised in writing and given the opportunity for an informal review. Under no circumstances will the live-in-aide be added to the lease or be considered the last remaining member of a resident family.
- D. Residents will not be permitted to allow a former resident of the Authority who has been evicted to occupy the unit for any period of time.
- E. A resident must provide documentation as required by the Authority when reporting that a family member has vacated the household. In the case of an income producing household member, the Authority will require at least two documents verifying the new address or other evidence deemed acceptable by the Authority. Utility bills, a driver's license, an automobile registration, voter registration, an employer's verification, or a lease bearing the family member's name, new address and a date are examples of acceptable evidence. Court papers indicating that a family member has left the household such as a Petition for Dissolution of Marriage, a Petition for an Order of Protection from Abuse, or a Petition for Legal Separation may also be acceptable.
- F. A resident reporting a decrease in household size, which changes the unit size for which the family is eligible, will be required to be placed on the transfer list. A resident eligible for a transfer to a larger or smaller unit as the result of approved changes in household composition will be placed on the transfer list effective the date the transfer request is approved.

### **12.0 COMMUNITY SERVICE**

Haddon Township Housing Authority is not subject to Community Service requirements.

## **13.0 UNIT TRANSFERS**

### **13.1 OBJECTIVES OF THE TRANSFER POLICY**

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.
- B. To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit.
- C. To facilitate relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

### **13.2 CATEGORIES OF TRANSFERS**

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.

Category 2: Immediate administrative transfers. 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, revitalization, disposition or demolition work to proceed.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain 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 Authority when a transfer is the only or best way of solving a serious problem.

Category 4: Tenant requested transfers. These transfers are generated by tenants requesting a move not related to reasons identified in Categories 1, 2, or 3.

### **13.3 DOCUMENTATION**

When the transfer is at the request of the family for a medical reason, the family will be required to provide third party verification of the need for the transfer.

### **13.4 PROCESSING TRANSFERS**

Transfers on the waiting lists 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 lists. Transfers in category 1 will be housed ahead of transfers in category 2.

Upon offer and acceptance of a unit, the family will execute all lease documents and pay any rent and/or security deposit within fifteen (15) business days of being informed the unit is ready to rent. The family will be allowed ten (10) calendar days to complete a 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.

The following is the policy for the rejection of an offer to transfer:

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. 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.
- C. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer. After turning down a second such offer without good cause, the family's name will be moved to the bottom of the list.

### **13.5 COST OF THE FAMILY'S MOVE**

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

- A. When the transfer is made at the request of the family or by others on behalf of the family (i.e., by the police);
- B. When the transfer is needed to move the family unit size is no longer appropriate for them in accordance with the Housing Authority's occupancy standards as outlined in Section 13.1, either larger or smaller; or
- C. 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:

- A. When the transfer is needed in order to carry out modernization, disposition or demolition activities; or
- B. When action or inaction by the Housing Authority has caused the unit to be unsafe or inhabitable; or
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which a non-disabled family resides.

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

### **13.6 RESIDENTS IN GOOD STANDING**

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

All charges for damages (other than normal wear and tear) to the current unit by the resident must be paid in full prior to taking possession of the new unit. Tenants making a transfer for convenience will also pay an administrative charge of \$150.

### **13.7 TRANSFER REQUESTS**

A resident may request a transfer at any time by completing a transfer request form. In considering the request, the Authority may request a meeting with the resident to better understand the need for transfer and to explore possible alternatives. The Authority will review the request in a timely manner and if a meeting is desired, it shall contact the resident within fifteen (15) business days (unless there are extenuating circumstances) of receipt of the request to schedule a meeting.

The Authority will grant or deny the transfer request in writing within fifteen (15) 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.

### **13.8 RIGHT OF THE AUTHORITY IN TRANSFER POLICY**

The Authority reserves the right to suspend its Transfer Policy because of its efforts to decrease vacancies or any other management initiative. Transfer requests will then be treated on a case-by-case basis solely at the discretion of the Authority.

The provisions listed above are to be used as a guide to ensure 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 resident to transfer or refuse to transfer.

## **14.0 INSPECTIONS**

### **14.1 MOVE-IN INSPECTIONS**

The Authority and an adult member of the family will inspect the unit prior to signing the lease. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be placed in the resident file and a copy given to the family member.

### **14.2 ANNUAL INSPECTIONS**

The Authority will inspect each public housing unit annually to ensure that each unit meets the Authority's housing standards. Work orders will be submitted and completed to correct any deficiencies.

**14.3 SPECIAL INSPECTIONS**

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the Authority.

**14.4 HOUSEKEEPING INSPECTIONS**

Generally, at the time of annual inspection, or at other times as necessary, the Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

**14.5 NOTICE OF INSPECTION**

For inspections defined as annual inspections, special inspections, and housekeeping inspections the Authority will give the resident at least five (5) business days written notice.

**14.6 EMERGENCY INSPECTIONS**

If any employee and/or agent of the 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. When a resident is taken to the hospital the apartment must be inspected to insure utilities are turned off so as not to endanger the well being and safety of others.

**14.7 MOVE-OUT INSPECTIONS**

The Authority conducts the move-out inspection after the resident vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the resident 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.

**15.0 TERMINATION**

**15.1 GENERAL**

The lease is the contract between the Authority and the resident that governs the conditions of tenancy and determines when eviction is appropriate.

**15.2 TERMINATION BY RESIDENT**

The resident may terminate the lease at any time upon submitting a 15-calendar day written notice. If the tenant vacates prior to the end of the 15-calendar days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

**15.3 TERMINATION BY THE AUTHORITY**

The Haddon Township Housing Authority will abide by the lease, all HUD regulations and state laws with regard to eviction notices, the serving of those notices and a resident's right to appeal.

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:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a safe and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any violent or drug-related criminal activity on or off the premises, not just on or near the premises. This includes any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control. This includes but is not limited to the manufacture of methamphetamine on the premises of the Haddon Township Housing Authority or on the premises of any other federally assisted housing;
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than three (3) calendar days each month without the prior approval of the Housing Authority; not to exceed a total of fourteen (14) days per year.
- M. Any activity by the resident, household members, or guests of the resident, that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the Authority;
- N. Alcohol abuse that the Housing Authority determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- O. The Housing Authority will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program;
- P. Determination that a household member is illegally using a drug or when the Housing Authority determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Q. Criminal activity as shown by a criminal record. In such cases the Haddon Township Housing Authority will notify the household of the proposed action to be based on the information and will provide the subject of the record and the Head of household with a copy of the criminal record before the Housing Authority grievance hearing or court trial concerning the termination of tenancy or eviction. The tenant will be given an opportunity to dispute the accuracy and relevance of that record in the grievance hearing or court trial;

- R. Disconnecting a smoke detector in any manner, removing any batteries from a smoke detector or failing to notify the Housing Authority if the smoke detector is inoperable for any reason; and
- S. Other good cause.

With respect to criminal activity and/or other violations described in this Section:

**Unless otherwise provided by law, proof of violation shall not require an arrest, charge, or criminal conviction, but shall be by a preponderance of the evidence.**

Haddon Township Housing Authority will include those instances using the preponderance of evidence definition in Black's Law Dictionary which states:

“Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more provable than not.”

If an individual's or family's lease is terminated for criminal activity, the Housing Authority will notify the local post office serving the development that the individual or family no longer lives there.

In deciding to terminate a tenancy for criminal activity or alcohol abuse, the Housing Authority will consider circumstances relevant to the particular case such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity, and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action.

In deciding to terminate a tenancy for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, the Housing Authority may consider whether such household member:

1. Is participating in a supervised drug or alcohol rehabilitation program;
2. Has successfully completed a supervised drug or alcohol rehabilitation program; or
3. Has otherwise been successfully rehabilitated.

For this purpose, the Housing Authority may require the leaseholder to submit evidence of one of the above 3 statements.

### **15.3A VAWA PROTECTIONS**

Under the Violence Against Women Act (VAWA), public housing residents have the following specific protections, which will be observed by the Haddon Township Housing Authority:

An incident or incidents or actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not in itself be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.



The Housing Authority may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

The Housing Authority may honor court orders regarding the rights of access or control of the property, including EPO's, DVO's, and other orders issued to protect the victim and is used to address the distribution or possession of property among household members where the family "breaks up."

There is no limitation on the ability of the Housing Authority to evict for other good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

There is no prohibition on the Housing Authority evicting if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's (victim's) tenancy is not terminated."

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

The Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority. Types of acceptable verifications are outlined below, and must be submitted within 14 business days after receipt of the Housing Authority's written request for verification.

### **15.3B VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING**

The Haddon Township Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority.

- A. Requirement for Verification.** The law allows, but does not require, the Housing Authority to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. The Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the Housing Authority.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

- 1. HUD-approved form (HUD-50066)** - By providing to the Housing Authority a written certification, on the form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.

2. **Other documentation** - by providing to the Housing Authority documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
  3. **Police or court record** – by providing to the Housing Authority a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.
- B. Time allowed to provide verification/ failure to provide.** An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is requested by the Housing Authority to provide verification, must provide such verification within 14 business days after receipt of the written request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

### 15.3C CONFIDENTIALITY

All information provided under VAWA including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence and shall not be entered into any shared database or provided to any related entity except to the extent that the disclosure is:

- A. Requested or consented to by the individual in writing;
- B. Required for used in an eviction proceeding; or
- C. Otherwise required by applicable law.

The Housing Authority shall provide its tenants notice of their rights under VAWA including their right to confidentiality and the limits thereof.

### 15.4 TERMINATIONS FOR CRIMINAL ACTIVITY

- A. The term “due process determination” means a determination by HUD that the law covering the Haddon Township Housing Authority’s jurisdiction requires that residents must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit.
- B. HUD has issued a due process determination that the law of this State requires that residents be given the opportunity for a hearing in a court that provides the basic elements of due process before eviction from a dwelling unit. The Housing Authority has therefore determined that their Grievance Procedure shall not be applicable to any termination of tenancy or eviction for:
  1. Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Haddon Township Housing Authority’s public housing premises by other residents or employees of the Housing Authority;
  2. Any violent or drug-related criminal activity on or off such premises; or
  4. Any activity resulting in a felony conviction.
  - 5.

#### **15.4 RETURN OF SECURITY DEPOSIT**

The return of a security deposit shall occur within 30 days of the dwelling unit becoming vacant and/or the keys have been returned. The Housing Authority agrees to return the Security Deposit and any interest accrued to the Tenant when he/she vacates, less any deductions for any costs indicated below, **provided the Tenant has furnished the Housing Authority with a forwarding address.** If the Tenant is deceased, the Security Deposit and any interest accrued, less any deductions for any costs indicated below, shall be returned to the Tenant's estate.

If such deductions are made, the Housing Authority will furnish the Tenant with a written statement of any such costs for damages and/or other charges to be deducted from the Security Deposit. Deductions from the Security Deposit include:

1. Reimbursement of the cost of repairing any intentional or negligent damages to the dwelling unit caused by the Tenant and/or Tenant's household members, or Tenant's guests.
2. Payment of the cost of any rent or other charges owed by the Tenant at the termination of this lease.
3. Cost for removal of property left in the unit.

The Housing Authority may use as much of the deposit as necessary to pay for costs as indicated above resulting from the Tenant's occupancy.

If the Tenant (or Tenant's estate) disagrees with the amounts deducted, the Housing Authority will meet with the Tenant (or Tenant's estate) to discuss the charges.

The Security Deposit **MAY NOT** be used to pay rent or other charges while the Tenant occupies the dwelling unit.

#### **16.0 REPAYMENT AGREEMENTS**

When a resident owes the Housing Authority back charges (unpaid rent, other charges, unreported income, underreported income, etc.) the resident must either promptly (within 10 calendar days) pay the full amount owed or enter into a Repayment Agreement. In all cases, the amount owed to the Authority shall be paid back in as short a term as possible, ordinarily not to exceed twelve (12) months.

The repayment term **MAY** be extended if the amount exceeds \$1500. The Housing Authority will consider these circumstances on a case-by-case basis at the discretion of the Executive Director or his/her designee. If feasible, the total amount paid will not exceed 40% of monthly adjusted income.

All Repayment Agreements must be in writing and signed by the Housing Authority and both members of the household. Repayment Agreements must include the following elements:

- A. Reference to the paragraphs in the Public Housing lease whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both.
- B. The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.
- C. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- D. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

Failure to comply with the Repayment Agreement terms may subject the resident to eviction procedures for non-payment and breach of the Agreement.

Also, refusal to enter into a Repayment Agreement for monies owed will subject the resident to eviction procedures.

If the Authority determines that the family committed willful and intentional fraud, the Authority will require the family to repay the entire amount in full or have its assistance terminated. If the family's assistance is terminated and repayment has not been made, the money will still be considered due and owing to the Authority.

The Authority may also consider local prosecution and forward the case to the Regional Inspector General for Investigation.

The Housing Authority has the sole discretion of whether to enter into a Repayment Agreement.

**Note: If the housing authority has a minimum rent greater than \$0, they must allow for repayment agreements for those tenants whose rental amount is the minimum rent and who have had their rent abated for a temporary period.**

## **17.0 ANTI-FRAUD POLICY**

Haddon Township Housing Authority is fully committed to combating fraud in its public housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the Housing Authority. It results in the inappropriate expenditure of public housing funds and/or a violation of public housing requirements.

Although there are numerous different types of fraud that may be committed, the two most common are the failure to fully report all sources of income and the failure to accurately report who is residing in the residence. The Housing Authority shall aggressively attempt to prevent all cases of fraud.

When a fraudulent action is discovered, the Housing Authority shall take action. It shall do one or more of the following things depending on circumstances and what it determines appropriate:

- A. Require the resident to immediately repay the amount in question;
- B. Require the resident to enter into a satisfactory repayment agreement as set forth in a previous section of this Policy;
- C. Terminate the resident's tenancy;
- D. Refer the case for criminal prosecution; or
- E. Take such other action as the Housing Authority deems appropriate.

**DEFINITION OF ANNUAL AND ADJUSTED INCOME****ANNUAL INCOME**

**Annual Income** is the gross income anticipated to be received by all members of the household (even if temporarily absent) for the 12 month period following the effective date of initial certification or reexamination (annual or interim reexamination of income), including net income derived from assets, and exclusive of income that is temporary, non-recurring or sporadic as defined in Paragraph 3, below. Once the annual income is determined, the Authority subtracts all allowable deductions (allowances) to determine the Total Tenant Payment.

- I. Annual Income includes, but is not limited to**, the amounts specified in the federal regulations currently found in 24 CFR 5.609:
- A. The gross amount (before any payroll deductions) of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services of all adult family members. (See Appendix 2 for definition of adult.);
  - B. The net income from operation of a business or profession (for this purpose, expenditures for business expansion or amortization of capital indebtedness shall not be deducted to determine the net income from a business). 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 will be included in income except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
  - C. 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 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 based on the current passbook savings rate, as determined by HUD. Income that could have been derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.
  - D. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (but see paragraph II-C of this appendix);
  - E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay;
  - F. Welfare Assistance payments
    - 1. 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 shall consist of:
      - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus

- b. 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 paragraph shall be the amount resulting from one application of the percentage.

## 2. Imputed welfare income

- a. A family's annual income includes the amount of imputed welfare income (because of specified welfare benefits reductions resulting from either welfare fraud or the failure to comply with economic self-sufficiency requirements, as specified in notice to the Authority by the welfare agency) plus the total amount of other annual income.
- b. At the request of the Authority, the welfare agency will inform the Authority in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the Authority of any subsequent changes in the term or amount of such specified welfare benefit reduction. The Authority will use this information to determine the amount of imputed welfare income for a family.
- c. A family's annual income includes imputed welfare income in family annual income, as determined at an interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the Authority by the welfare agency).
- d. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
- e. The Authority will not include imputed welfare income in annual income if the family was not an assisted resident at the time of the sanction.
- f. If a resident is not satisfied that the Authority has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the Authority denies the family's request to modify such amount, then the Authority shall give the resident written notice of such denial, with a brief explanation of the basis for the Authority's determination of the amount of imputed welfare income. The Authority's notice shall also state that if the resident does not agree with the determination, the resident may grieve the decision in accordance with our grievance policy. The resident is not required to pay an escrow deposit for the portion of the resident's rent attributable to the imputed welfare income in order to obtain a grievance hearing.
- g. Relations with welfare agencies
  - 1). The Authority will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the Authority written

notice of such reduction, the family's annual income shall include the imputed welfare income because of the specified welfare benefits reduction.

- 2). The Authority is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the Authority. However, the Authority is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.
  - 3). Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The Authority shall rely on the welfare agency notice to the Authority of the welfare agency's determination of a specified welfare benefits reduction.
- G. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;
- H. All regular pay, special pay and allowances of a member of the Armed Forces (but see paragraph II-G below); and
- I. Any earned income tax credit to the extent it exceeds income tax liability.

II. **Income Exclusions: Annual income does not include the following** amounts specified in the federal regulations currently found in 24 CFR 5.609:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone) or payments made under Kin-GAP or similar guardianship care programs for children leaving the juvenile court system;
- C. 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 (but see paragraph I-D of this appendix);
- D. Amounts which are specifically received for, or in reimbursement of the cost of medical expenses for any family member;
- E. Income of a live-in aide (as defined in Appendix 2) residing in the unit;
- F. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the United States Government to a veteran, for use in meeting the cost of tuition, fees, books, equipment, materials, supplies and transportation to the extent that such amounts are so used. Any amounts of such scholarships or payments to veterans, not used for the above purposes that are available for subsistence are to be included in income;
- G. The hazardous duty pay to a family member in the Armed Forces away from home and exposed to hostile fire;
- H. The amounts received from the following programs:
  - 1. Amounts received under training programs funded by HUD;
  - 2. Amounts received by a disabled person 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);
  - 3. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
  - 4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the Authority, on a part-time basis, that enhances the quality of life in the 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; or
  - 5. 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.
- I. Temporary, nonrecurring or sporadic income (including gifts);



- J. Reparation payments made by foreign governments in connection with the Holocaust (for all initial determinations and reexaminations carried out on or after April 23, 1993);
- K. Earnings in excess of \$480 for each full-time student 18 years or older (*excluding* the head of household and spouse);
- L. Adoption assistance payments in excess of \$480 per adopted child;
- M. The incremental earnings due to new employment during a cumulative 12-month period following date of the initial hire shall be excluded. This exclusion is only available to the following families:
  - 1. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
  - 2. Families whose income increases during the participation of a family member in any economic self-sufficiency or other job-training program.
  - 3. Families who are or were, within the past six (6) months, assisted under a State TANF or Welfare to Work program, as determined by the Authority in consultation with the local TANF agency, and whose earned income increases.

During the second cumulative 12-month period after the date of initial hire, 50% of the increased income shall be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 months of the 100% exclusion and 12 months of the 50% exclusion.

- N. Deferred periodic payments of supplemental security income and Social Security benefits that are received in a lump sum payment;
- O. 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;
- P. 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
- Q. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
  - a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
  - b. Payments to Volunteers under the domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
  - c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
  - d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
  - e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931));
- g. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);
- h. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- i. Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
- k. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent-product liability litigation*, M.D.L. No. 381 (E.D.N.Y.);
- l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
- r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and
- s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).
- t. Any low-income subsidy received to assist low-income persons in paying for their Medicare Prescription Drug Program.
- u. Income payments from the U. S. Census Bureau defined as employment lasting no longer than 180 days and not culminating in permanent employment.

- v. One-time recovery payments generated by the American Recovery and Reinvestment Act (ARRA).

The Authority will not provide exclusions from income in addition to those already provided for by HUD.

## **ADJUSTED INCOME**

Adjusted Income is Annual Income (as defined in this Appendix) minus the following allowances:

1. \$480 for each dependent;  

**Note:** *The head, co-head, spouse, foster child or live-in aide are never counted as dependents. No allowance shall be deducted for an unborn child.*
2. \$400 for any elderly family or disabled family;
3. The sum of the following, to the extent the sum exceeds three % of annual income:
  - a. Unreimbursed medical expenses of any elderly family or disabled family;
  - b. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus
4. Reasonable childcare expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction shall not exceed the amount of employment income that is included in annual income.

**DEFINITION OF TERMS**

**50058 Form:** The HUD form that housing authorities are required to complete and electronically submit to HUD 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. Housing Authorities must retain at a minimum the last three years of the form 50058, and supporting documentation, during the term of each assisted lease, and for a period of at least three years from the end of participation date. Electronic retention of form HUD 50058 and HUD 50058-FSS and supporting documentation fulfills the record retention requirement.

**Adjusted Annual Income:** The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611) See Appendix 1 for complete definition.

**Adult:** A household member who has reached the age of legal majority in the State of New Jersey (18 years old) or a head, spouse, co-head, or co-resident under the age of eighteen (18) who has executed the appropriate emancipated adult form. An emancipated minor is also considered an adult. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State or tribal law.

**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 and disabled families, dependents, medical expenses for elderly families, disability expenses, and childcare expenses for children less than 12 years of age. These are detailed in Appendix 1.

**Annual Income:** The anticipated total annual income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets for the 12 month period following the effective date of the initial determination or reexamination of income. See Appendix 1 for complete definition of Annual Income, income inclusions and income exclusions.

**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)

**Application:** The full, formal and complete family information form signed by the head of household and all adult household members. The applicants' signatures on the application form certifies that all information provided is complete and accurate.

**Assets:** The value of 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.")

**Bifurcate:** with respect to a public housing or Section 8 lease, it means to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

**Business Days:** Days the housing authority is open for business.

**Child Care Expenses:** Amounts anticipated to be paid by the family for the care of children under 12 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to be gainfully employed 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, and in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from employment that is included in annual income.

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

**Haddon Township Resident:** For eligibility/preference purposes, any applicant who lives or works in the Authority's area of operation on the date of application or who, on the date of application, can demonstrate a valid offer of employment in the Authority's area of operation. This definition excludes temporary residence with family or friends in the Authority's area of operation at the time of application.

The Authority's area of operation includes Haddon Township, New Jersey.

**Community service:** The performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

**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 return information for unearned income from the Internal Revenue Service, assets, etc.. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

**Covered Person:** For purposes of the anti-drug provisions of this policy, a covered person is a resident, any member of the resident's household, a guest or another person under the resident's control.

**Currently engaging in:** With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

**Dating Violence:** Violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

**Dependent:** A member of the household (excluding foster children) 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.

**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.

**Disabled Person:** A person who:

- A. Has a disability as defined in 42 U.S.C. 423
- B. Is determined, pursuant to HUD regulations, 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 the ability to live independently could be improved by more suitable housing conditions; or
- C. Has a developmental disability as defined in 42 U.S.C. 6001

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence

**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 government action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitated with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction.

**Drug:** means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Drug-Related Criminal Activity:** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

**Economic self-sufficiency program:** Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

**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.

**Elderly/Disabled Family Allowance:** For elderly/disabled families, an allowance of \$400 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.

**Eviction:** The dispossession of the resident from the leased unit as a result of the termination of the lease, for serious or repeated violation of material terms of the lease such as failure to make payments due under the lease or fulfill the resident obligations set forth in HUD regulations, Federal, and New Jersey law, or for other good cause.

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

**Family:** 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 resident family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a resident family. (24 CFR 5.403)

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the income-based method. The flat rent is established by the Authority set at the market value for the unit.

**Foster Care Payment:** Payment to eligible households by state, local or private agencies for the care of a child placed in the home by an agency.

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

**Guest:** Means a person temporarily staying in the unit with the consent of a resident or other member of the household who has express or implied authority to so consent on behalf of the resident.

**Head of Household:** An adult, 18 years of age or older, whom the members of the family have routinely looked to as the head of the family, and who is legally competent to sign a binding contract.

**HUD:** The U.S. Department of Housing and Urban Development or its designee.

**Immediate Family Member:** a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.

**Income-Based Rent (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.

**Imputed Income:** For households with net family assets of more than \$5,000, 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.

**Imputed welfare income:** The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements, that is nonetheless included in the family's annual income for purposes of determining rent.

**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).

**Lease:** A written agreement between the Authority and an eligible family for the leasing of a Public Housing unit.

**Law enforcement agency:** The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

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

- a. Is determined by the Authority to be essential to the care and well-being of the person(s);
- b. Is not obligated for support of the person(s); and
- c. Would not be living in the unit except to provide necessary supportive services.

**A live-in aide does not qualify as the remaining member of a resident family.**

**Low Income Families:** A family whose Annual Income does not exceed 80% of the median income for the area, as determined by HUD with adjustments for smaller and larger families.

**Medical Expenses:** Those medical expenses that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance, including medical insurance premiums, payments on accumulated major medical bills, dental expenses, prescription medicines, eyeglasses, hearing aids, and batteries, cost of care attendant, and transportation expenses directly related to medical treatment. Also included are over the counter items medically advised in writing by a physician.

**Mixed family:** A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

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

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

**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:** 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 homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.

In determining the Net Family Assets, the Authority shall include the value of any business or family assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of any 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 resident receives important consideration not measurable in dollar terms.

**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.

**Other person under the resident's control:** For the purposes of the definition of covered person it means the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the resident or other member of the household who has express or implied authority to so consent on behalf of the resident. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the resident's control.

**Participant:** A family or individual that is assisted by the public housing program.

**Permanently absent:** A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

**Premises:** for purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

**Previously unemployed:** This includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

**Recognized Resident Council:** An incorporated or unincorporated nonprofit organization or association that meets each of the following requirements:

- a. It must be representative of the residents it purports to represent;
- b. It may represent residents in more than one project, but it must fairly represent residents from each project that it represents;



- c. It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years);
- d. It must have a democratically elected governing board; and
- e. The voting membership of the governing board must consist of residents of the project or projects that the resident council or organization represents.

**Reexamination:** The process of securing documentation on family income and composition to show that residents meet the eligibility requirements for continued federal assistance. The reexamination will result in recalculation of the Total Tenant Payment and Tenant Rent, and will determine whether the family's unit size is still appropriate.

**Reexamination Effective Date:** The date established by the Authority on which a rent change becomes effective following verification of all income, assets, expenses and circumstances.

**Remaining Member of the Tenant Family:** A person left in an assisted unit after other family members have vacated who may or may not normally qualify for assistance on his or her own circumstances (e.g., near-elderly person). The person must be of legal age to sign a lease (adult) and all amounts incurred under the previous lease must have been paid before the person is provided a lease in his/her name.

**Single Person:** A person who lives alone or intends to live alone, and who does not qualify as an elderly family or displaced person or as the remaining member of a resident Family. A single pregnant woman will be determined eligible as a single person, and the income limit for a one-person family will be used. No allowance will be deducted from annual income for the unborn child.

**Specified Welfare Benefit Reduction:**

- A. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
- B. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
  - 1. at the expiration of a lifetime or other time limit on the payment of welfare benefits;
  - 2. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
  - 3. because a family member has not complied with other welfare agency requirements.

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

**State Wage Information Collection Authority (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 Rent:** The amount payable monthly by the family as rent to the Authority. Where the Authority supplies all utilities (except telephone and cable) and other essential housing services, tenant rent equals total tenant payment. (plus any charges for excess utility consumption)

**Total Tenant Payment:** Total Tenant Payment shall be the highest of the following, rounded to the nearest dollar:

- a. 30 percent Monthly Adjusted Income;
- b. 10 percent of Monthly Income; or
- c. If the family receives welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the monthly portions of such payment 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 this paragraph shall be the amount resulting from one application of the percentage.

**All households shall pay a Minimum Rent of \$25.**

**Utility Allowance:** An amount determined by the Authority as an allowance for the cost of utilities (except telephone) payable directly by the resident.

**Utility Reimbursement:** the amount by which the Utility Allowance for the unit exceeds the Total Tenant Payment (negative rent).

**Very Low Income Family:** A Family whose Annual Income does not exceed 50 percent of the median income for the area, as determined by HUD.

**Violent criminal activity:** means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

**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.

**Written notification:** All written notifications required in this policy shall be hand delivered or mailed via first class mail unless specified otherwise.

**TYPES OF VERIFICATION**

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, Haddon Township Housing Authority will send a request form to the source along with a release form signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>General Eligibility Items</b>		
Social Security Number	Not Allowed	Original Social Security Card, an appropriate government letter showing the number or other HUD-allowed method
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school and/or college students, any document evidencing enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Childcare costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Medicare Discount Card		A card with the words "Medicare Approved" on it
<b>Value of and Income from Assets</b>		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond

