



NEWARK HOUSING AUTHORITY

Housing Choice Voucher (HCV) Administrative Plan

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Introduction

The purpose of the Administrative Plan (Plan) is to establish policies for NHA's Section 8 Housing Choice Voucher (HCV) Program and other housing programs administered by the Newark Housing Authority.

The Newark Housing Authority Board, upon recommendation by NHA, will approve changes to the Plan. NHA is responsible for complying with all subsequent changes in HUD regulations pertaining to the programs administered by NHA. If such changes conflict with this Plan, HUD regulations will have precedence.

The policies set forth in this Plan are based on current regulations in effect promulgated by the Department of Housing and Urban Development (HUD). If there are conflicts between this Plan and language in an owner's Housing Assistance Payments (HAP) contract or HUD regulations, the language in the HAP contract and HUD regulations will prevail. The following requirements are incorporated by reference into this Administrative Plan:

24 CFR 5: Definitions of Income, Income Limits, Rent, and Re-Certification of Family Income for the Section 8 Housing Assistance Payments Program and other Related Programs.

24 CFR 982: Section 8 Tenant-Based Assistance-Housing Choice Voucher Program.

24 CFR 983: Project-Based Voucher Program

24CFR 984: Section 8 Family Self-SufficiencyProgram

24 CFR 985: Section 8 Management Assessment Program

This Plan is intended to establish local policies for the administration of the HCV program and should not be considered an exhaustive treatment of the procedures by which these policies will be implemented. NHA will implement standard operating procedures which may be referenced in this Administrative Plan.

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) was enacted on July 29, 2016. Public Housing Authorities (PHAs), such as the Newark Housing Authority implement the provisions of the law following HUD issued guidance. On February 14, 2023, HUD issued the Final Rule Implementing HOTMA Sections 102, 103, and 104 which were originally effective January 1, 2024 and required compliance by January 1, 2025.

The compliance date for many components of the HOTMA section updates have been extended with some being made effective by July 1, 2025. The compliance dates for many of the updates to HOTMA Sections 102 and 104 have been extended due to delays in HUD's development of the Housing Information Portal (HIP) which will replace

PIH Information Center (PIC).

The HOTMA updates make changes to the United States Housing Act of 1937, particularly those affecting income calculation, reviews, and program eligibility. The NHA will implement all HUD-required changes and will, if needed, post changes impacting discretionary policies on the website as well as providing for an amended Plan with Board approval.

Chapter I: Statement of Program Approach and Objectives

Overview

NHA administers the Housing Choice Voucher (HCV) Program and other affordable housing programs in the city of Newark, New Jersey. The primary objectives of NHA's programs are to expand the affordable housing options available for low-income households and provide these households with a variety of housing choices and opportunities.

I. Fair Housing

NHA affirmatively furthers fair housing in the administration of the program by complying fully with all federal, state, and local nondiscrimination laws and administers programs in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. In accordance with HUD's Equal Access Rule, the NHA will ensure all its programs and services are open to eligible individuals regardless of sexual orientation, gender identity or marital status. NHA does not discriminate against any applicant or participant because of race, color, creed, national or ethnic origin or ancestry, religion, sex, age, disability, source of income, sexual orientation, gender identity, marital status or presence of children in a household; nor will any criteria be applied, or information be considered, pertaining to attributes or behavior that may be imputed by some to a particular group or category. NHA does not deny any family the opportunity to apply for housing (when the waiting list is open) or deny any eligible applicant the opportunity to lease a housing unit that meets program requirements.

Limited English Proficiency

The NHA has developed a Language Access Plan (LAP) which defines the actions to be taken by NHA to ensure Title VI compliance with respect to Limited English Proficiency (LEP) persons. LEP persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purpose of this Plan, LEP persons are HCV program applicants, participants, and parents or family members of applicants or participants. The NHA Housing Choice Voucher Program will adhere to the NHA's LAP plan to ensure NHA's HCV applicants and participants have equal access to all NHA programs and services regardless of their primary language or whether they have limited ability to read, write, speak, or understand English. NHA provides voucher holders information on federal, state, and local laws regarding housing discrimination and all remedies available. This information will be made available as part of the briefing session, and all applicable Fair Housing Information and Discrimination complaint forms will be included in the voucher holders' packet. NHA will provide referrals and information to applicants and participants about local organizations that provide assistance in filing discrimination complaints.

Language for LEP persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the

HCV program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the Federal Register.

Additional guidance on Limited English proficiency (LEP) is provided in NHA's Language Access Plan located on NHA's website at www.newarkha.org. NHA will consider the following four factors to ensure meaningful access to its programs for situations in which the size of the language group meets the minimum Federal Register chart:

- The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
- The frequency with which LEP persons come in contact with the program;
- The nature and importance of the program, activity, or service provided by the program to people's lives; and
- The resources available and related costs.

Reasonable Accommodation

This policy applies to applicants and participants. A reasonable accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program, or facility that is necessary for a qualified individual with a disability to have the opportunity to participate in, and benefit from a program or activity.

NHA will ask all applicants and participant families if they require any type of accommodation, in writing and/or electronically, on the intake application, re-certification documents, and notice of adverse action. The notice will include the contact information of the NHA staff person responsible for requests for accommodation for persons with disabilities.

The NHA will encourage the family to make its request in writing using a reasonable accommodation request form. However, the NHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted. If the request is made orally, the NHA will document the request in writing within NHA's system of record including: request specifications, family name, date, and NHA staff taking request.

If a person with a disability requests an accommodation to an existing rule, policy, practice, or service in order to fully access and utilize the NHA's housing programs and related services, the NHA will verify and evaluate the request. The NHA will approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the NHA, or fundamentally alter the nature of the NHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the NHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, the NHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the NHA may verify the need for the requested accommodation.

The NHA is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden. If the NHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the NHA's operations), the NHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

Examples of Reasonable Accommodations:

- Allowing a larger unit size
- Allowing a larger utility allowance, due to increased usage for medical appliance
- Allowing a live-in aide, with the owner's approval
- Allowing a service animal, with the owner's approval
- Alternative measures instead of program termination, if applicable based on the reason for termination
- Rescheduling appointments and/or hearings
- Attendance at a hearing of any other person approved by the NHA
- Permitting an outside agency or family member to assist in an interview or meeting
- Permitting applications and re-certifications to be completed by mail
- Using higher payment standards (either within the acceptable range or

with HUD approval of a payment standard outside the PHA range) if the PHA determines this is necessary to enable a person with disabilities to obtain suitable housing

II. Description of Program

The Housing Choice Voucher program provides subsidies to low-income persons and freedom of choice to enable them to rent affordable, decent, safe and sanitary housing in the private rental market. In order to receive assistance in a particular unit, the family, owner, and unit must meet the requirements established by HUD regulations and those specified in this Plan. NHA will monitor program performance on a monthly basis. NHA shall submit program information to HUD for evaluation under the Section Eight Management Assessment Program (SEMAP) on an annual basis.

Resident Advisory Board (RAB)

The NHA shall establish a RAB for HCV program participants separately held from the public housing RAB. All HCV participants shall be noticed and all those interested in attending will be accepted in this forum as Board participants. Meetings will be held quarterly and will be facilitated by the NHA.

Other Programs

NHA also administers a Mainstream Housing Choice Voucher program, a Foster Youth to Independence (FYI) initiative program, and a Project-Based Voucher (PBV) program. These programs are discussed later in this Plan.

Chapter 2: General Program Administration

I. Overview

NHA will maintain a single waiting list for its HCV tenant-based assistance program. NHA may also maintain separate, site-based waiting lists for each property in its Project-Based Voucher program. Each waiting list must contain at a minimum the following information for each applicant:

- Name
- Address
- Social Security Number
- Date of Birth
- Household Size
- Racial or ethnic designation
- Pre-Application or Client Control Number
- Any approved preference or priority
- Presence of disabled household member(s)

II. Opening and Closing the Waiting List [24 CFR 982.206]

Opening the Waiting List

NHA reserves the right to open or close the waiting list(s) based on funding availability. When NHA determines that additional applicants are needed, the waiting list will be opened, and a public advertisement and notice will be posted.

To affirmatively further fair housing and reach people from all backgrounds and those applicants not otherwise likely to apply, NHA will advertise through a wide variety of sources including local and state newspapers, minority media, minority and civic clubs, places of worship, service agencies, websites, and broadcast media. An effort will also be made to notify elected officials, government agencies, and other agencies that specifically address the needs of individuals with disabilities. NHA will monitor and evaluate outreach activities to ensure that the widest possible audience is reached.

All notices and advertisements announcing the opening of the waiting list will include:

- The dates the list will be open and the deadline for receipt;
- The method and means by which applications will be accepted;
- The availability of Housing Choice Vouchers;
- Eligibility guidelines;
- Preferences and methodology for the selection of applicants; and
- Any limitations which may apply.

Closing the Waiting List [24 CFR 982.206]

NHA may close the waiting list if it has an adequate pool of families to use its available HCV assistance. The NHA may elect to continue to accept applications from certain categories of families that meet particular preferences or funding criteria. The NHA may close the waiting list when it is anticipated that there are sufficient waiting list applicants who can be served within a time frame determined by the NHA.

III. Outreach to Property Owners

Outreach to property owners will be conducted on an ongoing basis to develop interest in the program and to increase the number of units available in the City of Newark with particular focus on units located in low-poverty areas. NHA will notify and provide program information to local realtors, agents, apartment associations, and any interested landlords. NHA staff will be available to make presentations about the Housing Choice Voucher Program to these groups. In addition, materials that describe the program requirements and opportunities for property owners will be made available. NHA maintains a list of interested property owners and units available for the Housing Choice Voucher Program through the New Jersey Housing Resource Center (www.njhrc.gov).

NHA will make a concerted effort to contact and encourage local property owners with units specially designed or adapted for persons with disabilities, and those who may be willing to adapt units, to participate in the program. Notices shall be sent to landlords presently participating, landlords that have participated in the past, local real estate agencies, and to local social service agencies that specifically address the needs of persons with disability.

IV. Pre-application and Application

In order to give all families an equal opportunity to apply for and receive housing assistance, the NHA places families that apply for assistance on a waiting list using a lottery system. When HCV assistance becomes available, the NHA selects families from the waiting list in accordance with HUD requirements and NHA policies.

NHA will accept pre-applications electronically for the HCV program when the waiting list is open and according to the methods described in the advertisement. The waiting list may be open for a specific time-period which will also be listed on any advertisement or notification of the opening of the waiting list. When the waiting list is opened, completed pre-applications must be submitted to the Newark Housing Authority at a specifically identified web address. NHA reserves the right to accept pre-applications electronically via the internet or other automated system.

The names of the people who submit a completed registration during the dates as specified by NHA will be accepted as eligible pre-applications and will be entered into a random electronic lottery utilizing its housing management software.

Pre-Applications in NHA's HCV management software/database will be active for up to 18 months, at which time the expired pre-application is removed from the database.

Applicants whose pre-applications are removed will be notified via email that their application is expired and that they may reapply at any time. Such applicants are not entitled to an Informal Hearing or Informal Review.

The family will be required to submit a full application and documentation approximately 60 days prior to the availability of housing assistance to determine eligibility. All information on the full application will be verified by NHA.

NHA will not deny anyone the right to submit a pre-application when the waiting list is open. Reasonable accommodation will be made for interested, disabled applicants. All applicant households will be offered the opportunity to apply for the public housing program, if the public housing waiting list is open and will be referred to the appropriate NHA staff.

V. Establishing the Waiting List

All pre-applications determined to be complete will be included in a waiting list establishment process done by random lottery. Pre-applications received after the closing date (if applicable), and duplicate or incomplete pre-applications will be considered void and removed during this process. Pre-applications accepted on the waiting list will be placed on the waiting list in a random computer-generated order.

Applicants placed on the waiting list will receive an acknowledgment letter via email or will be directed to the NHA website and/or applicant portal for application status. Applicants will be advised of their responsibility to notify NHA of any change in address or preference status. If any notice, preference query, update request, or an appointment letter to the applicant is returned as undeliverable for any reason, the applicant will be withdrawn from the waiting list. A final withdrawal letter will not be mailed/emailed.

Applicants withdrawn from the waiting list for failing to respond to any inquiry from NHA may be reinstated under limited circumstances as described in the Waiting List Update Section of this Plan. If reinstatement does not occur, applicants withdrawn from the waiting list will need to re-apply during periods when the waiting list is open. Reasonable accommodation may be granted if the failure to respond is verified by NHA to be related to disability.

VI. Determination of Eligibility

In order to receive housing assistance, the applicant family must meet the eligibility criteria outlined in the following sections.

Family

The applicant or applicant family must qualify as a Family defined in 24 CFR 5.403.

Social Security Numbers

In accordance with 24 CFR §5.216, each member of the applicant's household must disclose and verify their Social Security Number (SSN) when the applicant's eligibility is being determined. A household on the waiting list will not be provided housing assistance until such time as all household members have disclosed and

verified a valid SSN. However, if the household is otherwise eligible to participate in the program, the household may maintain their position on the waiting list for no more than 90 days to provide each member of the applicant household with an opportunity to comply with the SSN disclosure and documentation requirements. Individuals who do not contend eligible immigration status are exempt from the requirement to disclose a SSN.

If a child under the age of 6 years was added to the applicant household within the 6-month period prior to the date of voucher issuance, the applicant may become a participant, so long as SSN verification is provided to the NHA within 90 calendar days from the effective date of the Housing Assistance Payment (HAP) contract. The NHA must grant an extension of one additional 90-day period if it determines that, in its discretion, the assisted applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assisted applicant. If the applicant family fails to verify the SSN within the required time period, the family must be denied assistance (PIH 2016-05).

Multiple Subsidy

The family may not receive HCV assistance while receiving housing assistance of any of the following assistance types, for the same unit or for a different unit:

- Public or Indian housing assistance
- Other Section 8 assistance (including other participant-based assistance)
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974)
- Section 101 rent supplements
- Section 236 rental assistance payments
- Participant-based assistance under the HOME Program
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration)
- Any local or state rent subsidy
- Section 202 supportive housing for the elderly
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance)

Continuously Assisted Families

NHA will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time they were issued a voucher by NHA. As noted in this Plan, families being relocated from the NHA's public housing have first priority for vouchers and qualify as continuously assisted. In

addition, families assisted under the U.S. Housing Act (including all families occupying units in properties receiving Section 8 project-based assistance) are considered continuously assisted. All such families are treated in the regulations as “special (non-waiting list) admissions.”

When continuously assisted families face a loss of housing assistance either because the owner of the property in which they live chooses not to renew a subsidy contract or because the property must be vacated for demolition, sale, or total rehabilitation, such families may receive vouchers as continuously assisted families (and special non-waiting list admissions).

Income Limits and Eligibility

To be income-eligible, the applicant must be a family in any of the following categories:

- A very low-income family;
- A low-income family that is Continuously Assisted under the 1937 Housing Act. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance or was receiving assistance in the past 90 days under any 1937 Housing Act program when the family is admitted to the Voucher Program;
- A low-income family that is physically displaced by rental rehabilitation activity;
- A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project. (Section 8(o)(4)(D) of the 1937 Act ([42 U.S.C. 1437f\(o\)\(4\)\(D\)](#)));
- A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in 24 CFR § [248.101](#);
- A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident homeownership program 24 CFR § [248.173](#).
- Eligibility must be verified within 60 days prior to voucher issuance. See 24CFR § 982.201(e).

Restriction on Assistance to Families Based on Assets

The following ownership of assets will restrict the family from participating in NHA’s HCV program:

- The family's net assets may not exceed \$100,000, or the amount adjusted annually by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers.

- The family may not have ownership interest in, a legal right to reside in, and the effective legal authority to sell real property that is suitable for occupancy by the family as a residence. This real property restriction does not apply to:
 - The PHA Home Ownership program
 - Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property.
 - Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking.
 - Any family that is offering such property for sale.

A property will be considered “suitable for occupancy” under paragraph (a)(1)(ii) of this section unless the family demonstrates that it:

- Does not meet the disability-related needs for all members of the family e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.)
- It is not sufficient for the size of the family
- It is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the PHA or owner)
- It is not safe to reside in because of the physical condition of the property (e.g., property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied)
- It is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

Income Targeting to Extremely Low-Income Families

In accordance with a law passed by Congress in 1998, beginning in FY1999 and in each NHA fiscal year thereafter, not less than 75% of new admissions to the Housing Choice Voucher Program must have incomes at or below 30% of the median income for the Newark Metropolitan Statistical Area (MSA) at the time of admission. NHA will monitor the new admissions on a bi-annual basis to verify that this requirement is achieved and, if warranted, adjust the selection of new admissions to ensure compliance. In order to comply with the law, NHA may be required to skip over a higher income applicant on the waiting list in order to assist an applicant of Extremely Low-Income. If an applicant is skipped over, they will retain their original position on the waiting list and be the first applicant offered an opportunity for assistance after the Extremely-Low Income targeting requirement has been met.

Required Citizenship or Eligible Immigration Status

At least one member of an applicant family must have either citizenship or eligible immigration status. Every member of the applicant or tenant household must submit the required documentation. For family members claiming citizenship, the only requirement is to sign a declaration of citizenship. For family members claiming eligible immigration status, HUD requires that the family members sign a declaration of eligible immigration status and provide an original of the appropriate documentation. NHA will review the original document, copy it, and retain a copy in the applicant/tenant file.

All adults in the household claiming eligible status must sign a verification consent form. The head of household must sign declarations on behalf of minors. NHA will then independently verify this status with DHS.

Prior Debts to a PHA

No applicant or member of an applicant family can owe money to a PHA. NHA will check applicant names against the log of Section 8 reimbursement agreements and the NHA public housing accounts payable system and all other sources available, including HUD's Debts Owed/Termination module in the Enterprise Income Verification (EIV) system to determine whether the applicant has past due funds to NHA or any other PHA. If a debt is owed, the applicant will be given 30 days to repay the debt in full or they will be removed from the waiting list. Once the debt is repaid in full, the family can reapply to the HCV waiting list.

Any member of the applicant household has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing assistance program, including the intentional misrepresentation of information related to their housing applications or benefits derived there from.

Consent Forms

If any adult member of the household refuses to sign any document or consent form required by NHA to determine eligibility and preference status or to perform appropriate applicant screening activities.

Under HOTMA, the HUD-9886 form is only required to be signed by each adult household member at admission, addition of an adult member to the household, and/or when a member turns eighteen. It will not be required to be signed at each annual recertification and will remain effective until the family is denied assistance, the assistance is terminated, or the family provides written notification to NHA to revoke consent.

NHA will terminate rental assistance or deny admission to any family with an adult member who revokes consent.

Students

For income eligibility purposes, the income of a full or part-time student enrolled in an institution of higher learning AND the student's parents must be included when the student family member is:

- Under 24 years of age;
- Not a veteran;
- Is not married; and
- Does not have a dependent child

Exceptions to this rule as outlined in 24 CFR 5 will be applied at the time income eligibility for the program is determined.

Criminal Background Checks and Denial of Assistance

Prior to consideration of admission to the HCV program, NHA conducts a criminal background check for the last three years and for an extensive criminal history on all adult family members 18 years of age and older. The NHA will utilize an independent vendor to provide screening services that include multi-state criminal background and sex offender search of law enforcement records. All adult applicant family members are required to sign a release of information form for such criminal background checks.

NHA will use, maintain, and destroy criminal records of applicants in accordance with New Jersey state law.

NHA must deny admission and terminate assistance at any time under the following circumstances:

- Any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing. The premises are defined as the building or complex in which the dwelling unit is located, including common areas and grounds.
- Any household member has been evicted for drug-related or violent criminal activity within the past three years from a federally assisted housing program.
- Any household member is subject to a lifetime registration requirement under a state sex-offender registration program in the state where the housing is located and in other states where the household member is known to have lived.
- NHA has reasonable cause to believe that a household member's use of illegal drugs or alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
- NHA has reasonable cause to believe that a household member has engaged, within the past three years, in any other criminal activity that may threaten the health or safety of the owner, property management staff or NHA employees or their contractors and agents.

NHA will use the date that the applicant completed any related sentence to evaluate eligibility. The applicant must have completed serving any related sentence, including applicable parole or probation period and not have an extensive criminal history, three years prior to admission.

In determining whether to deny or terminate assistance, NHA will take such action if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted. The NHA shall not solely rely on an arrest record to determine whether an applicant or participant has engaged in criminal activity. Extenuating circumstances, such as current or past participation in a rehabilitation program, will be considered before the final denial of admission of the applicant or termination of assistance.

If NHA uses a criminal record report as the basis to deny or terminate assistance, NHA will provide the applicant/tenant with a copy of the criminal record, if requested, and give the family an opportunity to dispute the record.

VII. Mainstream Housing Choice Vouchers Eligibility Criteria

The NHA has a preference for non-elderly persons with disabilities under its Mainstream Voucher Program. NHA accepts referrals to its waitlist of non-elderly persons with disabilities who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless. These referrals are received from the City of Newark's Department of Health and its network of service providers coordinated entry process. The NHA and the City of Newark's Department of Health have established a partnership through a Memorandum of Understanding to support the Mainstream Voucher Program. The NHA's Mainstream voucher program was initially allocated 79 vouchers through HUD FY17 Notice of Available Funding Award. On an annual basis the PHA may determine it necessary to allocate additional vouchers to servicing non-elderly persons with disabilities transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless.

Applicants for Mainstream Housing Choice vouchers must meet the same basic eligibility requirements for the HCV program. The family must also qualify as disabled based on the requirements set forth in 24 CFR 982.

VIII. Foster Youth to Independence Initiative Vouchers Eligibility Criteria

Foster Youth to Independence (FYI) initiative vouchers are used to assist youth, ages 18 to 24, with current or former foster care experience find stable and adequate housing. The FYI program supports the adolescents by assisting with their transition to adulthood. Applicants for FYI vouchers must meet the same basic eligibility requirements for the HCV program. The family must also be considered homeless or at risk of becoming homeless as defined in 24 CFR 578.3 and 24 CFR 576.2.

IX. Selection from the Waiting List

Local Preferences

NHA will select from applicants currently on the waiting list through use of local preferences. Each of the listed preferences are assigned specific point values. NHA will select applicants from the waiting list based on the sum of their preference points, from highest to lowest. Below is the list of preferences and their assigned points:

- Seniors, 62 years or older, that are the Head, Spouse, or Co-Head of household (4 points)
- Veterans, that are the Head, Spouse or Co-Head of household (4 points)
- Head, Spouse, or Co-Head of household is living and/or working in the City of Newark (10 points)

NHA may give preference in admission to families who are certified as homeless and referred to NHA by a designated local service provider. To qualify, the family must be homeless, as certified by the referring service agency and commit to receiving case management and supportive services.

Preferences for Targeted Funding:

- Mainstream Vouchers Targeted Funding: Waiting list preferences apply in the selection of Mainstream applicants, but only in relation to other Mainstream applicants on the HCV waiting list. Mainstream applicants are referred to NHA by social service partners, then placed on the waiting list.
- Foster Youth Initiative (FYI) Targeted Funding: Waiting list preferences apply in the selection of FYI applicants, but only in relation to other FYI applicants on the HCV waiting list. FYI applicants are referred to NHA by social service partners, then placed on the waiting list.

The point structure for preferences is cumulative. For example, a 67-year-old veteran living in the city of Newark would receive 18 points.

When an applicant is selected from the waiting list, they will be invited to submit documentation through mail, email, or in person to determine eligibility. If the applicant fails to supply the documentation or attend scheduled virtual meetings, they will be automatically be provided a second opportunity to document eligibility. If the applicant fails to comply with requests, the NHA will remove the applicant from the waiting list. The NHA shall consider requests for Reasonable Accommodation for disabled applicants.

Waiting List Update

When NHA updates the HCV waiting list, it will mail or email notices to the applicants on the waiting list requesting updated information. The intent of the mailing/email is also to determine whether the applicant is still interested in the Housing Choice Voucher program. The applicant will be required to respond to the request for information by completing an update in the online portal or responding directly to NHA within a specified time period. Each update notice will

inform the applicant of the following:

- Failure to respond within the specified timeframe will result in withdrawal from the waiting list without further notice.
- Their right to request an informal review.

If the applicant fails to respond to NHA's request for updated information, or, any notice, preference query, or an appointment letter is returned to NHA as undeliverable, the applicant's name will be withdrawn from the waiting list without further notice. Applicants who request an informal review within 10 days of the response due date will be afforded an informal review of the withdrawal as indicated in the update letter.

It is the primary responsibility of each applicant to ensure that NHA has the most recent and current information in order to be contacted when either the applicant's name nears the top of the list or when NHA performs a waiting list update. Under limited circumstances, NHA will approve reinstatement of a withdrawn applicant for one of the following reasons:

- The applicant submitted a change of address to NHA prior to the notice being mailed or emailed by NHA and the information did not get updated in the waiting list database;
- During the time of any waiting list update or, at the time of notification for an interview, the applicant could not respond. For example, the applicant was incapacitated due to hospitalization;
- As a result of a data entry error, the NHA computer system incorrectly recorded the address of the applicant; and, therefore, the applicant was improperly withdrawn from the waiting list for failure to respond to a NHA notice; or
- The applicant is a person with a disability who requires an alternative form of communication other than one generally used by NHA, and the applicant informed NHA, in advance, of the proper means of communication, as required by regulations.
- If the applicant was unable to respond to the waiting list update due to homelessness. In these instances, the NHA must verify the status of the applicant or applicant family as homeless. For example, the NHA may request third-party verification from the shelter of housing services provider. A self-certification may be accepted on a case-by-case basis if other forms of verification are not available.

In order to be considered for reinstatement, applicants must provide documentation acceptable to NHA proving that they share no burden in the failure to respond to a waiting list update or notification for interview.

Special Admissions & Mainstream Vouchers

Some applicant households will be admitted to the HCV program without being

placed on the waiting list or without consideration of the applicant's current placement on the waiting list. This may occur when HUD funding has been awarded to NHA for a targeted group of households living in specified units or to assist in implementing local housing initiatives. In these cases, income limits may still apply. These special admissions may include but are not limited to:

- Families displaced because of demolition or disposition of a public or Indian housing development;
- Families residing in a multifamily rental housing development when HUD sells, forecloses, or demolishes the development;
- Housing covered by the Low-Income Preservation and Resident Homeownership Act of 1990;
- Non-purchasing families that reside in a development subject to a homeownership program;
- Families displaced because of a mortgage prepayment or voluntary termination of a mortgage insurance contract;
- Families residing in a development covered by a project-based Housing Choice Voucher HAP contract at or near the end of the HAP contract term;
- Non-purchasing families residing in a HOPE 1 or HOPE 2 development;

NHA public housing residents who are currently on one of the following public housing inter-program transfer lists shall be considered for special admissions limited to up to 250 families per year:

- Over housed
- Underhoused
- Elderly
- Family
- Health/medical
- Safety/emergency

Notification of Ineligibility

Ineligible families will be notified by mail/email and given the reason for the determination, with an opportunity to request an informal review within 10 business days of the date of the notice.

X. Family Choice of Housing and Housing Type

Generally, NHA does not offer special housing types as an option to Housing Choice Voucher families. However, NHA will not deny a family with a disabled member the right to a special housing type if necessary, as a reasonable accommodation in accordance with program requirements. The following is a list of special types of housing types:

- Single Room Occupancy

- Congregate housing
- Group home
- Shared housing or cooperative housing

XI. Initial and Re-Examination Eligibility

At the time of initial eligibility determination and re-certification, applicants and participants will be required to utilize an online portal to certify all information they provide to NHA and to electronically sign verification forms permitting the release of information from verifying agencies, including the Authorization to Release Information/Privacy Act Notice form. Documentation of all required verifications will be placed in the applicant/participant file. Family income and assets and all factors related to eligibility must be verified, including waiting list preferences as described in this Plan. The NHA must receive information verifying that an applicant is eligible within the period of 60 days before the PHA issues a voucher to the applicant.

If an applicant or participant family is unable to complete the initial eligibility or annual re-certification process using the online application portal, they should notify NHA. Upon receiving the notification, NHA will assist the family with an alternative method for completing the application.

Verification Hierarchy

NHA uses HUD's hierarchy of verifications, as outlined below:

- Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third Party Verification provided by applicant or family
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification

UIV Using HUD's EIV System

NHA will rely first on Upfront Income Verification (UIV) tools to verify income and other eligibility factors. This will include obtaining income data directly from HUD's Enterprise Income Verification (EIV) system. NHA will use EIV to verify existing participants' employment, earned income, unemployment benefits, social security (SS), and supplemental security income (SSI). EIV will also be used to monitor duplicative subsidies, deceased household members, household member identity, unreported income, and immigration status. EIV will be used during each annual re-examination. For interim re-examinations, EIV data will only be reviewed for families that are reporting zero income and for other administrative purposes as deemed necessary by the NHA. For new residents, EIV data will be reviewed within 120 days of admission.

UIV Using Non-HUD System

When information provided on the EIV is unavailable or insufficient, NHA's requires verification through other UIV systems. Print-outs from web pages are considered acceptable documents. NHA may also use UIV systems to obtain the required information without the need for the applicant or participant to supply them. An example of a UIV system is Equifax's Work Number and other web-based state benefits systems.

Written Third-Party Verification

NHA will accept third-party verification from the source or tenant-provided verification such as pay stubs, payroll summary reports, letters from employers, Social Security Administration benefit letters, etc. The applicant or participant may supply NHA with the verification as long as:

- The documents are original or authentic
- The documents are dated within 60 days of the request date
- The documents are not damaged, altered, or in any way illegible

Written Third-Party Verification Form

Written third-party verification forms will be sent directly to the third-party when applicant or tenant provided verification documents are unavailable or are rejected by the NHA. To obtain the verifications that may be required, NHA may mail, fax, or email forms directly to the third-party verification source and request that they return the information to NHA.

If NHA is unable to obtain verification directly from the third-party, tenant supplied third-party documentation, as outlined in HUD guidance, may also be accepted. Oral verification from the third-party by phone may be attempted when efforts to obtain written verification have been unsuccessful. If third-party verification is not possible, NHA will review other documents brought in by applicants/current participants. In all cases, the highest level of verification, as outlined in HUD guidance, will be attempted before other verification methods.

Oral Third-Party Verification

For oral third-party verification, NHA staff will attempt to contact the third-party via phone. NHA will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided by the third party.

Self-Certification by Applicant or Participant

The documents in the electronic application packet and electronic annual re-certification packet serve as the family's self-certifications. When the NHA is unable to obtain third-party verification, the NHA will document in the family file the reason that third-party verification was not available. When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the NHA.

The NHA will accept self-certification from a family as verification of assets disposed of for less than fair market value and will accept self-certification of ownership in real property.

XI. Income

Effective with the HOTMA Final Rule implementation, the definition of earned income, unearned income, and income exclusions have been updated (Notice PIH 2024-38). The following sections provide definitions related to income and describe income exclusions as defined by HUD and NHA.

Annual Income Definition [24 CFR 5.609(a)]

NHA uses HUD's definition of annual income as described in 24 CFR 5.609. Should this definition be revised, the current HUD definition will be used.

Annual income includes but is not limited to:

- All amounts, not specifically excluded by HUD regulation in 24 CFR 5.609(b)
- All amounts received from all sources by each member of the family 18 years or older or is the head of household or spouse of the head of household
- Unearned income by or on behalf of each dependent who is under 18 years of age, and
- Imputed returns on net family assets based on the current passbook savings rate, as determined by HUD, when the value of net family assets exceeds \$50,000 (HUD will adjust the amount annually) and the actual returns from a given asset cannot be calculated.
 - Imputed returns are based on the current passbook savings rate, as determined by HUD. (Note: if it is possible to calculate actual returns from an asset, the PHA should use that amount as income)

Effective with the HOTMA Final Rule implementation, NHA will estimate the family income for the upcoming 12-month period using current income when determining initial occupancy assistance and interim reexaminations. NHA will determine the family income based on the prior year (defined by HUD as the previous 12 months) when conducting annual reexaminations for continued occupancy assistance.

Earned Income [24 CFR 5.100]

HUD defines earned income as income or earnings from wages, tips, salaries, other employment compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare assistance, Social Security, and other governmental subsidies/benefits), or any cash or in-kind benefits.

Day Laborer

A day laborer is defined as an individual hired and paid one day at a time without an agreement that the individual will be hired to work again in the future. Income earned as a day laborer is not considered nonrecurring income and must be included as earned income unless specifically excluded in 24 CFR 5.609(b).

Independent Contractor

An independent contractor is an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code federal income tax requirements and whose earnings are consequently subject to the self-employment tax. Income earned as an independent contractor is not considered nonrecurring income and must be included as earned income unless specifically excluded in 24 CFR 5.609(b).

Seasonal Worker

A seasonal worker is an individual who is: 1) hired into a short-term position; and 2) employment begins about the same time each year. Typically, the individual is hired to address seasonal demands that arise for the employer or industry. Income earned as an independent contractor is not considered nonrecurring income and must be included as earned income unless specifically excluded in 24 CFR 5.609(b).

Unearned Income [24 CFR 5.100]

Unearned Income means any annual income, as calculated under 24 CFR 5.609, that is not earned income.

Excluded Income [24 CFR 5.609(b)]

Annual income does not include the following:

- Any imputed return on an asset when net family assets total \$50,000 or less (which amount HUD will adjust annually in accordance with the Consumer Price Index) and no actual income from the net family assets can be determined
- The following types of trust distributions:
 - For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets
 - Distributions of the principal or corpus of the trust; and
 - Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.
 - For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income

earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.

- Earned income of children under the age of 18 years.
- Payments received for the care of foster children or foster adults, or State or Tribal kinship or guardianship care payments.
- Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.
- Income of a live-in aide, foster child, or foster adult as defined in §§ 5.403 and 5.603, respectively.
- Certain financial assistance to students as provided below:
 - Excluded Student Financial assistance covers assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit
 - With respect to student financial assistance the following is excluded:
 - Any assistance that section 479B of the Higher Education Act of 1965 requires to be excluded from a family's income,
 - Plus, any of the following up to the total amount of Excluded Student Financial assistance as defined above received from:
 - The federal government.
 - A state, tribal or local government.
 - A private foundation registered as a nonprofit under 502(c)(3).
 - A business entity (such as a corporation, general partnership, limited liability company, limited partnership,

joint venture, business trust, public benefit corporation or nonprofit entity; or

- An institution of higher education
- Excluded Student financial assistance does not include
 - Financial support provided to the student in the form of a fee for services performed (e.g., a. work study or teaching fellowship that is not excluded)
 - Gifts including gifts from family or friends
 - Any amount of scholarship or grant that, either by itself or in combination with assistance excluded above, exceeds the actual covered costs of the student. The actual covered costs of the student are the actual costs of tuition, books, and supplies, room and board, or other fees required and charged to a student by the education institution, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.
- Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created, authorized, or funded by federal, state, or local government.
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- Additionally excluded are:
 - Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
 - Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) to allow participation in a specific program.
 - Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.
 - Incremental earnings and/or benefits resulting to any family

member from participation in qualifying state or local employment training programs funded by HUD or in qualifying federal, state, Tribal, 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 unless those amounts are excluded under 24 CFR 5.609(b)(9)(i).

- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
- Earned income of dependent full-time students in excess of the amount of the deduction for a dependent.
- Adoption assistance payments for a child in excess of the amount of the deduction for a dependent.
- Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.
- Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance.
- 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.
- Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.
- Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).
- Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal

Revenue Code or other Federal law.

- Amounts that HUD is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. HUD will publish a notice in the Federal Register to identify the benefits that qualify for this exclusion. Updates will be published when necessary.
- Replacement housing “gap” payments that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing “gap” payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments.
- Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under, even if the source, date, or amount of the income varies. Nonrecurring income includes:
 - Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.
 - Direct Federal or State payments intended for economic stimulus or recovery.
 - Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.
 - Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.
 - Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).
 - Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.
 - Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.
- Civil rights settlements or judgments, including settlements or judgments for back pay.
- Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement

arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.

- Income earned on amounts placed in a family's Family Self Sufficiency Account.
- Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:
 - Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be 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; and
 - 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.

An exhaustive list of income exclusions can also be found at 24 CFR 5.609(b).

Excluded Assets

The following are examples of assets excluded under HOTMA. If the family owns an excluded asset, its value does not count toward the restriction due to net family assets.

- Necessary items of personal property (such as medical devices, vehicle for commute)
- Non-necessary items of personal property if the combined total value does not exceed \$50,000 (amount to be adjusted annually)
- Retirement account recognized by IRS
- Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability
- The value of certain education or disability support savings accounts
- Income earned on amounts placed in a family's FSS account.

XIII. Computation of Total Tenant Payment and Determination of Rent

Once verification is complete, NHA will compute annual and adjusted income and Total Tenant Payment (TTP) in accordance with 24 CFR Part 5.

Calculation of TTP, Family Share, and Family Rent to Owner

Total Tenant Payment (TTP) will be calculated using the greater of:

- 30% of the family's adjusted monthly income;
- 10% of the gross monthly family income; or
- NHA's minimum rent of \$50.

The family share and rent to owner are calculated only after the family finds a unit. They are determined by finding the difference between the lesser of the payment standard or gross rent for the unit and the family's TTP.

Minimum Rent

The NHA has adopted a minimum rent for the program of \$50. The minimum rent amount of \$50 is used when applying the formula to calculate TTP.

NHA will grant an exemption from application of the minimum monthly rent to any family making a proper request in writing that they are unable to pay the monthly minimum rent because of financial hardship. Financial hardship may include the following:

- The family has lost eligibility for, or is awaiting an eligibility determination for a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationalization Act, who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
- Family would be evicted as a result of imposing the minimum rent requirement;
- Family income has decreased because of changed circumstances, including loss of employment;
- A death in the family that affects the family circumstances; or
- Other circumstances as determined by NHA on a case-by-case basis.

If a family requests a hardship exemption, NHA will suspend the minimum rent charge and adjust the HAP payment effective on the first of the month following the verification of the document(s) regarding the change in the family's circumstances. The family must provide documentation of the hardship. NHA will determine if the hardship is temporary or long term.

If the hardship is determined to be temporary, the minimum rent will be suspended for a period of 180 days from the date of the family's request. At the end of the 180-day period, the minimum rent will be reinstated. If NHA determines that the hardship is long term, the exemption will be applied so long as the hardship continues. Hardship determinations are subject to NHA's informal hearing process.

Determination of Rent

The HCV subsidy is based on the established payment standard that reflects the cost to lease a unit in the area. If the gross rent (contract rent plus utilities) is less than the payment standard, the family pays the TTP. If the gross rent exceeds the payment standard, the family pays the TTP plus the amount by which the gross rent exceeds the payment standard.

Once the unit is selected, the family's portion of the rent is calculated as the difference between the gross rent and the lesser of the payment standard for the voucher size issued, or the unit size selected by the family.

At admission or transfer to a new unit, families are prohibited from paying more than 40% of their monthly adjusted income for rent when the gross rent exceeds the payment standard.

Payment Standards

NHA may set the payments standard annually between 90% and 110% based upon the HUD published Fair Market Rents (FMRs) for the Newark Metropolitan Statistical area. The FMR published by HUD is based upon the 40th percentile of rents charged to recent movers (within prior two-year period) in the private rental market. NHA reviews payment standards annually, at the time new FMRs are published. NHA will revise the payment standards as necessary to ensure that families are able to find and lease a variety of units in a variety of neighborhoods with the maximum subsidy permitted by use of the payment standard in effect.

NHA's payment standards are currently set at 110% of HUD's published FMRs and can be located on the NHA website or found in the main office at 500 Boad Street.

Payment Standard Decreases

If the NHA changes its payment standard schedule resulting in a lower payment standard amount, during the term of a HAP contract, the NHA will not reduce the payment standard used to calculate subsidy for families under HAP contract while the HAP contract remains in effect.

Payment Standard Increases

If NHA's payment standards increase during the term of the HAP contract, NHA will use the increased payment standard amount to calculate the monthly HAP for the family beginning no later than the earliest of:

- The effective date of an increase in the gross rent that would result in an increase in the family share. Gross rent is defined as the rent to owner plus utility allowances.
- The family's first regular or interim reexamination; or
- One year following the effective date of the increase in the payment standard amount.

NHA has the discretion to apply a payment standard increase at other times not later than the above.

Additional Adjustments to the Payment Standard

NHA may annually review its payment standard to determine if an adjustment is needed for some or all units. In determining if an adjustment is appropriate, NHA will consider:

- The assisted families' rent burdens
- Availability of suitable vacant units with rents below the payment standard
- Size and quality of units selected
- The leasing success rate

HUD established Small Area Fair Market Rents (SAFMRs) to provide families residing in metropolitan areas with high concentration of voucher families with access to low- poverty areas by providing rental assistance at a level that makes higher rents in such areas more affordable. The NHA is an "opt- in SAFMR PHA". This means implementation of SAFMRs is not required by HUD. The NHA has completed an analysis of the SAFMRs and has determined that HUD's Metro FMRs for New Jersey are higher than the SAFMRs. On an annual basis the NHA will evaluate SAFMRs and FMRs to determine whether to "opt-in" and adopt SAFMRs.

Utility Allowances

The utility allowance for a family is the lower of the utility allowance amount for the family voucher size or the utility allowance amount of the size of the unit rented by the family. At the request of a family with a person with disabilities, the NHA must approve a utility allowance higher than the applicable amount if such a higher utility allowance is needed as a reasonable accommodation.

Any allowance for utilities will be deducted from the TTP to determine the family rent to owner. Where the utility allowance exceeds the TTP, the tenant will pay \$0 rent and the difference between the utility allowance and the TTP will be paid in the form of a check made payable to the head of household as a utility reimbursement towards utilities.

NHA's utility allowance schedules can be found on the NHA website or at the main office located at 500 Boad Street.

Subsidy Standards

NHA has established subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. NHA determines the appropriate number of bedrooms using the subsidy standards and enters the unit size on the voucher that is issued. The unit size listed on the voucher does not dictate the size of the unit the family must actually lease or who within the

household will share a bedroom. The following chart is used for the assignment of appropriate bedroom sizes on the voucher.

NUMBER OF BEDROOMS	NUMBER OF PERSONS	
	MIN	MAX
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

HUD requirements state that PHAs should assign the smallest appropriate bedroom size needed to house a family without overcrowding. As a general rule, NHA will assign one bedroom for each two persons within the household. NHA will use the following standards as additional guidance in determining the appropriate bedroom size for any given family:

- The Head of Household is entitled to their own bedroom and shall not be required to share a bedroom with a minor.
- Adults of the opposite sex (other than spouses or cohabitants) and unrelated adults are not required to share a bedroom.
- Minor children five years of age and older are not required to share a bedroom with a household member of the opposite sex.
- A family that consists of a pregnant female and no other family member will be treated as a two (2) person household.
- A minor child, who is temporarily away from the home because of placement in foster care, and is expected to return to the family within six (6) months, is considered a member of the family in determining the family unit size.
- NHA will approve live-in aides to reside in the unit and may provide a separate bedroom as a reasonable accommodation for a family consisting of one or more elderly, near- elderly, or disabled family members. However, NHA may deny or withdraw such approval at any time if the live-in aide:
 - Commits fraud, bribery, or any other corrupt or criminal act in

- connection with any federal housing program;
 - Fails to pass a criminal background check for drug-related or violent criminal activity
 - Owes rent or other amounts to NHA or another PHA in connection with the HCV program or public housing assistance under the 1937 Act.
- Only one bedroom may be awarded for the live-in aide and any family members of the live-in aide. Additionally, the live-in aide's family member may also reside in the unit provided doing so does not increase the subsidy by the cost of an additional bedroom and further provided that the presence of the live-in aide's family members does not overcrowd the unit.

NHA may assign a larger unit than permitted, using the above standards, if an individual with a disability and/or a medical need requests a reasonable accommodation and provides documentation of need from a physician or other medical practitioner.

Families will not be required to use rooms other than bedrooms for sleeping purposes in the voucher size determination, and may choose to rent larger or smaller units than listed on the voucher as long as the rent reasonableness and Housing Quality Standards (HQS) requirements are met. HQS requirements permit a maximum of two persons per living or sleeping room in the units. However, the subsidy will always be based upon the smaller of the size unit rented, or the unit size listed on the family's voucher.

XIV. Deductions from Income

Dependent Deduction

For each dependent in the household, a \$480 allowance will be applied when determining adjusted income. Effective with the HOTMA Final Rule implementation, the dependent allowance amount will be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD, rounded to the next lowest multiple of \$25.

Elderly or Disabled Family Deduction

Any elderly or disabled family will receive a one-time \$400 deduction when determining adjusted income. Effective with the HOTMA Final Rule implementation, the elderly or disabled family deduction will increase to \$525. The amount will be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD, rounded to the next lowest multiple of \$25.

Health and Medical Expense

Qualified families with health and medical expenses exceeding 3% of the family's annual income will be deducted from the amount of a family's income when determining adjusted income.

Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

Qualifying expenses are the sum of:

- Unreimbursed health and medical care expenses of any elderly or disabled family; and
- Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, in order to enable any member of the family, including the person with a disability, to be employed.

This deduction may not exceed the combined earned income of the adult family members who are able to work due to the attendant care or auxiliary apparatus.

Child Care Expense

Child care expenses may be considered in the determination of adjusted income for children less than 13 years of age. To qualify for the childcare expense, the family must verify that the childcare allows a family member(s) to pursue an eligible activity. Eligible activities include:

- Pursuing an education
- Being gainfully employed
- Seeking employment

NHA will determine the maximum allowable childcare expense based on reasonable local child care costs.

Allowable Childcare Activities and Expenses

For school-age children under 13 years of age, costs attributable to public or private school activities during standard school hours are not considered allowable childcare expenses. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

The costs of general housekeeping and personal services are not eligible. Childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible.

If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, the NHA will prorate the costs and allow only that portion of the expenses that is attributable to childcare for eligible activities. Unless otherwise

specified by the childcare provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Childcare expenses will be considered for the time required for the eligible activity plus reasonable transportation time.

For childcare that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

Furthering Education

If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participate in a formal training program. The family member is not required to be a full-time student, but the time spent on educational activities must be commensurate with the childcare claimed.

Being Gainfully Employed

If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

When the childcare expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the NHA generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Seeking Employment

If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each re-examination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the childcare expense being allowed by NHA.

Permissive Deductions

The NHA has no permissive deductions.

XV. Housing Choice Voucher Issuance and Briefing

All eligible applicants (based on full and complete verification) are required to attend an in-person or virtual briefing before a voucher is issued. The briefings may be group or individual meetings.

Briefing Packet

Each family will receive a paper or digital briefing packet containing, but not limited to, the following:

- The term of the voucher
- A description of NHA's policy on granting extensions or suspensions of term and how a family can request extensions
- Information on computing the Housing Assistance Payment
- Information on the payment standard and NHA's utility allowance schedule
- How NHA determines the maximum rent for an assisted unit
- What the family should consider in deciding whether to lease a unit such as:
 - unit condition
 - Proximity of unit to public transportation, employment, schools, and shopping
 - reasonableness of rent
 - cost of tenant-paid utilities
 - whether the unit is energy efficient
- Where the family may lease a unit using portability and how portability works
- HUD required tenancy addendum
- Request for Tenancy Approval (RFTA) and the process of obtaining an inspection
- NHA's policy on providing information to prospective landlords
- NHA's subsidy standards including any exception to these standards
- HUD brochure on selecting a unit
- Information about Upfront Income Verification (UIV) tools used to verify income
- HUD brochure, *Protect Your Family from Lead in the Home*
- Fair Housing Brochure and information (Form HUD-903) and a Discrimination Complaint Form (Form HUD-903a)
- List of landlords or real estate agents who may be willing to lease a unit or may be able to help the family locate a unit
- Notice that if the family includes a disabled person, the family may request a current listing of accessible units, known to NHA, that may be available
- Family program obligations

- Grounds under which NHA may terminate the family's assistance
- Informal hearing and review process and how to request a hearing
- A voucher showing the bedroom size
- Other items as NHA may determine

Briefing Session

The briefing will cover the information in the packet and discuss the following topics:

- Family, owner, and NHA responsibilities under the lease and contract
- Voucher expiration and extension policy
- A description of the general location and characteristics of neighborhoods in Newark
- Tips on where to look for housing
- Sources of information on available units (e.g., newspapers, community bulletin boards) should be obtained.
- NHA will also provide a website utilized to maintain a list of landlords who have indicated a willingness to participate in the HCV program, through the New Jersey Housing Resource Center (www.njhrc.org). Families will also be advised to maintain contact with the HCV staff.
- Housing Quality Standards (HQS), rent reasonableness, and procedures for inspections (HQS to be used are described in 24 CFR 982.401).
- Encouragement to consider all neighborhoods within the City of Newark when searching for a unit. NHA will provide information on portability of the voucher and its use to move out of areas of high poverty concentration. In addition, the oral and/or electronic presentation and the briefing packet shall include information on the advantages of areas with low concentrations of low-income families.
- Landlord-tenant laws and federal, state and local fair housing laws. The participants' fair housing rights and what to do if discrimination is encountered will be discussed. In cases where discrimination is suspected, NHA will advise and assist the family to file a discrimination complaint with the Department of Housing and Urban Development.
- Additional assistance available for persons with disabilities or elderly households. Housing Choice Voucher staff will provide as much assistance as possible and refer participants to social service agencies as needed.
- Explanation of calculations including TTP, HAP, maximum subsidy, utility allowances, family share, and utility reimbursements
- The applicable payment standards, utility allowances

- Owner, Housing Assistance Payment, Maximum Subsidy and Utility Reimbursement. Allowances will also be explained.
- Information Provided to Prospective Landlords about Participants.

Housing Choice Voucher Term and Extension Policy

Each HCV recipient will be given an initial term of 90 days to look for a unit. Extensions are permissible at the sole discretion of the NHA not to exceed a maximum 180 days. Reasonable accommodations will be taken into consideration.

Extensions of search time will only be permitted for the following reasons:

- The family has a medical condition or disability that makes locating an accessible unit difficult
- The family has three or more minors
- The unit fails two consecutive HQS inspections
- The family has demonstrated a reasonable effort to locate suitable housing during the initial term without success.
- There is evidence that a family has experienced discrimination due to their voucher holder status. The incident must be reported to local and federal officials and the family must obtain a written account of the discrimination. NHA will verify all requests for extensions under this category.
- Other special circumstances with the approval and at the discretion of the Executive Director or designee.

If a family is in need of a voucher extension, a written request for an extension must be submitted to the NHA. The request must be submitted prior to the voucher's expiration date. NHA will review the circumstances and determine whether an extension may be granted. NHA will provide the family with written documentation of any extension of search time.

In situations where a selected unit has been disapproved by NHA, through no fault or action of the family, NHA will automatically extend the term of the voucher based on tolling time and any time available on the family's voucher.

If the family has not found a unit within the maximum term allotted, including any extensions, the voucher will expire and the family will be removed from the waiting list unless there are documented extenuating circumstances that prevented the family from leasing a unit in a timely manner. Families seeking another opportunity for assistance must reapply for the program's waiting list.

The NHA may terminate HCV assistance if, in accordance with HUD requirements, the funding under the consolidated ACC is insufficient to support continued assistance for families in the program. The NHA will terminate the families based upon the amount of subsidy required. Families with the highest

income levels and the least need for HCV subsidy will be terminated from the program before families with lower income levels. Project-Based Vouchers will not be included in this process.

XVI. Information Provided to Prospective Landlords About Participants

NHA will inform all property owners interested in participating in the Housing Choice Voucher program that tenant screening for payment and other lease compliance behavior is the responsibility of the owner not NHA. NHA encourages all owners to screen ALL prospective applicants carefully. Voucher program participants should be subject to the same level of screening conducted for non-assisted prospective tenants. Owners must be in compliance with state, federal, and local fair housing laws.

NHA will provide each applicant with a statement of its policy on providing information to owners which will be included in the information packet given to families selected to participate in the program.

Security Deposits

The property owner may collect a security deposit. The owner determines the amount of the deposit in accordance with local practices. NHA prohibits security deposits in excess of private market practice or in excess of amounts charged to unassisted tenants.

XVII. Portability

The portability feature allows a participating voucher family to move from one jurisdiction to another with continued assistance. Voucher holders may move anywhere a Public Housing Agency (PHA) administers a tenant-based program. Families that are new admissions to the HCV program must meet the income eligibility requirements in the areas where the family initially leases a unit with assistance. Participant families must also meet the income eligibility requirements in the area to which the family plans to move. In this case, the family is considered “continuously assisted” and the low-income limit is used to determine eligibility. Families are informed of these requirements in the briefing session.

A family in which the head, spouse, or co-head of the family lives within the City of Newark on the date of application, is eligible for portability as long as they are compliant with program requirements. A family will be permitted to exercise the portability option only once in a twelve-month period. A non-resident family, who meets the preference of working in Newark, and has been issued a voucher, may also exercise the portability option as long as they are compliant with program requirements.

If the PHA into whose jurisdiction the family moves cannot or will not absorb the porting family, the receiving PHA must bill NHA for the HAP and the approved percentage of the administrative fee. Contingent upon available funding, the NHA will determine whether to bill or absorb incoming portables and will notify other PHA's as required. Per the requirements of the Violence Against Women Reauthorization Act of 2022 (VAWA), a family may move under NHA's portability policy while in violation of the lease if:

- The family has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed they were imminently threatened if they remained in the assisted dwelling unit.
- The family has complied with all other obligations of the voucher program.
- The only basis for denial of portability is that the family is violating the lease agreement.

The victim of the actual or threatened violence or stalking must complete the HUD Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking or provide documentation in lieu of the certification within 14 business days of receiving the written request for this certification from NHA (see also Tenancy Protections for Victims of Abuse under the Violence Against Women Act (VAWA), under Section O, Lease Requirements and Contract Execution).

If the family member has not provided the requested certification by the 14th business day or any extension of the date provided by NHA, none of the protections afforded to victims of domestic violence, dating violence, sexual assault or stalking (collectively “domestic violence”) will apply.

Active, cooperative participants in a Witness Protection Program and those who are in need of assistance to move and ensure their continued protection may also move under NHA’s portability policy.

Families must notify NHA in writing when they want to move using the portability feature. When a family notifies NHA that it wants to move under the portability procedures, NHA will contact the receiving PHA. NHA will inform the receiving PHA that the family is eligible for assistance (i.e., meets the requirements of NHA), and a voucher has been issued to the family.

NHA will always participate in assisting clients who wish to exercise portability. NHA will encourage and request other PHAs to absorb families who move out of the City of Newark but will fully cooperate if a PHA wishes to administer NHA assistance.

XVIII. Requirements for Lease Submission and Unit Approval

Voucher holders must submit a fully completed and executed Request for Tenancy Approval (RTA) and a copy of the owner’s proposed lease prior to voucher expiration. Once this information is submitted, NHA will review the landlord lease, determine rent reasonableness, inspect the unit and approve of the owner. If a RTA is delivered or received on the expiration date, the RTA will be accepted and the unit scheduled for inspection. If the unit subsequently fails after two inspections, through no fault or action of the family, the voucher will be extended based on tolling time and any time available on the family’s voucher.

Landlord Lease

A lease between the owner and tenant shall be in a standard form used by the

owner for other unassisted tenants. The initial lease term cannot be for less than one year. The terms and conditions of the lease shall be consistent with state and local laws.

Rent Reasonableness

Rent reasonableness will be determined for all new leases and rent increases. A reasonable rent to the owner is defined as a rent that is not more than the rent charged for comparable units in the private, unassisted market and for comparable unassisted units. NHA will not approve a subsidized tenancy until a determination has been made that the initial rent to the owner is reasonable. The reasonableness of the rent requested by the owner will be determined by considering the following factors:

- Location
- Quality
- Size
- Unit type
- Age of the contract unit
- Amenities
- Housing services
- Maintenance
- Utilities provided by the owner in accordance with the lease.

NHA utilizes an online database that provides market survey information for rental units in the area. The information is used to determine if proposed rent amounts are comparable to similar units in the area.

If NHA determines that the amount of rent requested by the owner is not reasonable, a reasonable rent will be computed, and NHA staff will tender a counteroffer to the owner.

Failure by the owner to lower the rent will result in disapproval of the unit for the program. If the unit is disapproved through no fault or action on the part of the family, the voucher will be extended based on tolling time and any time available on the family's voucher.

Inspection Standards

HUD requires that all units occupied by families receiving HCV and PBV assistance meet HUD's National Standards for the Physical Inspection of Real Estate (NSPIRE) regulations and standards no later than October 1, 2025. Until the compliance date set forth by HUD, NHA will continue to adhere to the Housing Quality Standards (HQS) and current HUD guidance to perform all required inspections.

Before any unit is approved for participation in the program, NHA requires compliance with HQS. Beginning October 1, 2025, NHA will require compliance with the NSPIRE standards as required by HUD. Units must be inspected and meet standards prior to approval of any lease, and at least once every 24 months thereafter. Inspections may also occur on other occasions, as warranted, such as in the case of a request for inspection by the owner or family, or for quality control.

Property owners/agents and a family member over the age of 18 are encouraged to be present during an inspection of their unit(s) by NHA. When two consecutively scheduled inspections occur and neither party is present it could result in termination from the program.

If, at the initial inspection there are defects or deficiencies, which must be corrected to make the dwelling safe and habitable, the owner will be advised by NHA of the work required. NHA will give the owner 30 days to complete the work. Before a contract is executed or continued, any unit that fails an inspection must be re-inspected to ascertain whether the necessary work has been performed. NHA may also accept photographic evidence or other reliable evidence from the owner to verify that deficiencies have been corrected. The unit must be approved as compliant with HQS before execution of the HAP contract.

In order to ensure adherence to the HQS and to monitor inspection determinations, a qualified staff person or agent of the NHA, who did not conduct the original or re-inspection, or a direct subordinate, will re-inspect a random sample of the approved units.

Extensions

Extensions will be granted in cases where the NHA has determined that the owner has made a good faith effort to correct the HQS deficiencies and is unable to for reasons beyond the owner's control. The owner's request for an extension must be made in writing to the NHA or its designee. Reasons may include, but are not limited to:

- A repair cannot be completed because of weather conditions
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis, but will not exceed 30 calendar days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible.

Proof of Ownership/Identification

NHA will require all property owners who request to rent their units through the HCV program to provide proof of ownership, the property parcel identification

number, and a W-9 form. Acceptable forms of ownership documentation include valid photo identification, a deed, mortgage statement, property tax records, and/or a HUD settlement statement (for transactions processed within the last 30 days of the date the HAP is to be executed). The owner must provide a minimum of one (1) document establishing ownership. NHA will compare the documentation provided by the property owner to information available for the City of Newark and other local government websites, when available. The property owner must also provide proof of current property taxes and the current water bill. In cases where the owner has elected to utilize the services of a property management company or has otherwise designated an agent to act on his/her behalf, NHA will request a copy of the management or agent agreement and a statement from the owner identifying the individual/s authorized to execute HAP contracts on his/her behalf in addition to proof of ownership documentation.

NHA may not enter into a HAP contract for any property until ownership, and, if applicable, authorization to act on the owner(s) behalf, are clearly established. NHA reserves the right to request additional documentation as necessary. The NHA will issue all Housing Assistance Payments to property owners through direct deposit into the property owner's banking account.

Disapproval of Property Owner and/or Owner Participation

NHA will not approve a unit if the owner has a history or practice of failing to terminate tenancy in units assisted under HCV or any other federally assisted housing program for activity by the tenant, any member of the tenant's household, a guest or another person under the control of any member of the household that:

- Threatens the right to peaceful enjoyment of the premises by other residents
- Threatens the health or safety of other residents, employees of the NHA, owner employees, or other persons engaged in management of the housing
- Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises
- Engages in drug-related or violent criminal activity.

NHA will also deny or terminate owner participation for one or more of these following reasons:

- The owner is debarred, suspended or subject to a limited denial of participation by HUD or is under restriction by the City of Newark
- If directed by HUD because the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act
- If directed by HUD because a court or administrative agency has

determined that the owner has violated the Fair Housing Act.

- Acts in collusion with a recently debarred or suspended owner for the purpose of circumventing the debarment or suspension.

NHA, at its discretion, may deny or terminate participation of an owner if any one of the following conditions exists:

- The owner has violated obligations under any Housing Choice Voucher HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f)
- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- The owner has engaged in drug-related criminal activity or any violent criminal activity
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program
- The owner has a history or practice of renting units that fail to meet state or local housing codes
- The owner has not paid state or local real estate taxes, fines, or assessments
- The owner threatens or is abusive towards NHA personnel
- The owner(s) has not provided adequate proof of ownership

The individual circumstances and seriousness of such conditions will be considered prior to disapproval of an owner.

If NHA determines that the owner and unit are acceptable, the assistance contract may be approved. If the unit cannot be approved, the owner and subsidy holder will be notified and provided with the reason and an opportunity to correct any deficiencies.

Property Owner or Landlord Suspension and Debarment

Property owners, landlords, and/or their designees, who commit fraud within the Section 8 program or knowingly violate the HAP agreement may be suspended or debarred at the discretion of the NHA. It will be handled as an internal administrative matter of the Newark Housing Authority and may be reported to the Office of the Inspector General (OIG) and the Attorney General's Office for further legal action.

Contracts or HAP agreements shall not be entered into or awarded to debarred or suspended owners or landlords. A debarment by NHA shall be for a period of six (6) years. Suspensions may be issued for any period from one (1) to five (5) years.

If an owner, landlord or their designee, is determined by NHA to have committed an act or action justifying the sanction of suspension or debarment, the landlord shall be advised in writing of the reason for the determination.

The HCVP Director will render an advisory opinion to the Executive Director or designee. The Executive Director may accept, reject, or amend the decision of the HCVP Director and will notify the owner or landlord. The Executive Director's disposition shall be final and binding upon NHA and the owner.

Restriction on Renting to Relatives

HCV recipients may not rent units which are owned by a close relative (defined as the parent, child, grandparent, grandchild, sister, or brother) of any member of the recipient's household. An exception to this rule may be applied if the recipient household member has a disability and renting from a close relative is determined to be a reasonable accommodation.

This policy applies only to new admissions and transfers. The policy does not affect current participants who are leasing units from close relatives until they decide to move or unless the owner wishes to amend the lease or execute a new HAP contract for the same unit. It also does not affect families at the time that their subsidy is converted to HCV so long as they remain in the same unit under the same lease agreement.

Lease Requirements and Contract Execution

After the unit passes inspection and the contract rent is approved, the owner and tenant must provide NHA with a copy of the signed Lease. NHA will confirm the move-in date and finalize the execution of the HAP contract with the owner.

Tenancy Protections Under VAWA

Per the requirements of the Violence Against Women Reauthorization Act of 2022 (VAWA), and as incorporated into the HAP Contract and Tenancy Addendum, NHA and unit owners/managers shall not consider an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking as serious or repeated violations of the lease or other "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of abuse.

Further, in accordance with the VAWA Final Rule the NHA will not consider any adverse factors that are direct results of the applicants/participants being victims of domestic violence, dating violence, sexual assault, or stalking in any decision to determine eligibility, admission, continued participation, deny, or terminate assistance. The VAWA Notice of Occupancy Rights will be provided to all HCV and PBV participants and applicants at the time of admission, when assistance is denied, when termination of assistance or eviction is initiated, and upon request. Criminal activity directly related to abuse, engaged in by a household member,

guest, or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if a member of the tenant's immediate family is the victim or threatened victim of that abuse.

If an assisted household member engages in criminal acts of physical violence against family members or others, NHA may terminate assistance of the offending household member, or an owner/manager may "bifurcate" a lease, or otherwise remove the household member from the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance for any individual who is a tenant or lawful occupant. These actions may be taken without penalizing the victim.

These statements do not limit the authority or ability of a unit owner/manager to evict, or NHA to terminate assistance to any tenant under program guidelines if either party can demonstrate an "actual and imminent threat" to other tenants or persons employed at or providing services to the property.

The NHA allows HCV and PBV participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the participant's current unit. PBV participants may be offered an HCV voucher if another suitable PBV unit is not available within a reasonable timeframe and not more than sixty days after the request.

To request an emergency transfer, the participant shall submit a written request for a transfer to the NHA. The NHA will provide reasonable accommodations for individuals with disabilities. The participant's written request for an emergency transfer should include:

- A statement expressing that the participant reasonably believes that there is a threat of imminent harm from further violence if they remain in the same dwelling; OR
- A statement that the participant was a sexual assault victim, and the assault occurred on the premises during the 90-calendar-day period preceding the submission of the participant's request.

An assisted family may receive a voucher and move in violation of the lease under NHA's portability policy if the family has complied with all other obligations of the voucher program and moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened if he or she remained in the assisted dwelling unit.

NHA will request in writing that a family that seeks to move to another unit or prevent eviction, removal, termination of occupancy rights, or termination of assistance under a claim of abuse and complete the HUD Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking. The victim shall provide the name of the perpetrator on the form. In lieu of, or in addition to the

form, a victim may provide to NHA:

- A federal, state, tribal, territorial, or local police record or court record; and/or
- Documentation signed and attested to by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, or stalking has signed or attested to the documentation.

The victim of the actual or threatened violence or stalking must complete the HUD Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking within 14 business days of receiving the written request for the certification from NHA. If the family member has not provided the requested certification by the 14th business day or any extension of the date provided by NHA, none of the protections afforded to victims of domestic violence, dating violence, sexual assault or stalking (collectively "domestic violence") will apply.

All information provided by the victim to an NHA employee or unit owner/manager relating to an incident of domestic violence, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking, must be retained in confidence and neither entered into any shared database nor provided to any related party, except to the extent that the disclosure is:

- Requested or consented by the individual in writing
- Required for use in an eviction proceeding or termination of assistance; or,
- Otherwise required by applicable law.

In accordance with VAWA, NHA must permit an applicant or HCV and PBV participant to self-petition (or INS Form 797, Notice of Action) during their admission or certification of continued assistance. Self-petitioners are those who claim to be victims of "battery or extreme cruelty".

Self-Petitioners may indicate they are in "satisfactory immigration status" when applying for assistance or continued assistance. For a noncitizen victim to qualify, the alleged perpetrator of the abuse must be either a spouse, parent, who is a U.S. citizen or Lawful Permanent Resident. The NHA must grant the self-petitioner housing assistance and all other VAWA protections throughout the verification process until final determination of immigration status through the Systematic Alien Verification for Entitlements (SAVE) system.

Family Obligations

When the family's unit is approved and the HAP contract is executed, the family

must follow the rules listed below in order to continue participating in the Newark Housing Authority's HCV program. Families that do not abide by these obligations will be terminated from the program.

The family (including each family member) must:

- Supply any information that the NHA or HUD determines to be necessary including evidence of citizenship or eligible immigration status, and information for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- Disclose and verify social security numbers.
- Sign and submit consent forms for obtaining information as required by the NHA.
- Supply any information requested by the NHA to verify that the family is living in the unit or information related to family absence from the unit.
- Promptly notify the NHA in writing when the family is away from the unit for more than 30 days.
- Notify the NHA and the owner in writing at least 30 days before moving out of the unit or terminating the lease.
- Use the assisted unit solely for residence by the family that is listed on the HAP contract and lease.
- The unit must be the family's only residence.
- Notify the NHA in writing within thirty (30) days of the birth, adoption, or court- awarded custody of a child who will reside in the unit.
- Request the NHA and the owner's written approval to add any other family member as an occupant of the unit.
- Request and obtain the NHA approval before adding a live-in aide to the household.
- Promptly notify the NHA in writing if any family member no longer lives in the unit
- Pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease.
- Allow the unit to be inspected at reasonable times and after reasonable notice.
- Give the NHA a copy of any owner eviction notice.

The Family (Including Each Family Member) must not:

- Own or have any interest in the unit (other than in a cooperative, or the NHA Homeownership Program).
- Receive housing choice voucher program housing assistance while

residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the NHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

- Receive HCV assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- Sublease or let the unit or assign the lease or transfer the unit.
- Damage the unit or premises (other than damage from ordinary wear and tear) or permit any guest to damage the unit or premises.
- Commit any serious or repeated violation of the lease, including but not limited to nonpayment of rent.
- Engage in or allow guests to engage in any behavior that disturbs the peaceful and quiet enjoyment of others of the premises and the neighborhood.
- Threaten or engage in or allow guests to threaten or engage in abusive or violent behavior toward NHA personnel or its representatives.
- Commit fraud, bribery, or any other corrupt or criminal act in connection with the program.
- Engage in or allow guests to engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
- Illegally possess or use a firearm or aggravated assault weapon in violation of federal, state, or local criminal or civil laws.
- Engage in abuse of alcohol in a way that threatens the health, safety, or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.
- Be a registered sex offender in any state or territory of the United States.
- Be convicted of a drug related crime for the manufacture or production of methamphetamine on the premises of federally assisted housing.

XIX. Re-Certification of Household Composition, Income, Allowances and Rent

Overview

NHA is required to reexamine each participant family's income and composition at least annually and adjust their assistance accordingly. Certain situations require interim reexaminations to update family information between annual reexaminations as well.

Annual Re-Certifications

NHA will begin the annual reexamination process 120 days prior to its scheduled effective date. Families will receive notification that their recertification is due via mail and email and will be encouraged to complete the recertification online using NHA's program management software. However, recertifications can also be completed by mail, email, or in person as a reasonable accommodation.

At the time NHA notifies the family that their recertification is due, families will also be notified of all required documentation needed to verify family information. If a family submits their recertification, but the required documentation is missing, they will be given 10 days to submit the missing documents. If a family does not respond to the initial request to begin their recertification process, or fails to attend an initial appointment, a second notification will be issued via mail and email.

Failure to provide requested documentation after two requests may result in termination of assistance, effective on the family's recertification effective date.

Streamlined Certifications for Families with Fixed Income or Assets

Streamlined Income Determination

For any family member with a fixed source of income as defined by below, the NHA may determine that family member's income by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

A "family member with a fixed source of income" is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:

- Social Security, Supplemental Security Income, or Supplemental Disability Insurance
- Federal, state, local, or private pension plans
- Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts
- Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

The NHA must use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount. The NHA must verify the appropriate COLA or current rate of interest from a public source or through tenant-provided, third-party generated documentation. If no such verification is available, then the NHA must obtain third-party verification of income amounts in order to calculate the change in income for the source.

For any family member whose income is determined pursuant to a streamlined income determination, NHA must obtain third-party verification of all income amounts at least once every 3 years. [Note: Non-fixed income sources remain subject to third-party verification requirements.]

Streamlined Asset Verification

For a family with net assets equal to or less than \$50,000, the NHA may accept a family's declaration that it has net assets equal to or less than \$50,000, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income. Net family assets are defined in 24 CFR 5.603.

As of January 1, 2024, NHA may accept a family's declaration that they do not have any present ownership interest in any real property without taking additional steps to verify the accuracy of the declaration for all recertifying families. The NHA must obtain third-party verification of all family assets every 3 years.

Interim Re-Certifications

Rent and other charges shall remain in effect for the period between regularly scheduled recertifications except when an interim reexamination is required. Families should report changes in household composition or income to NHA as soon as possible. NHA encourages participant families to report changes using the online resident portal. If families are unable to access the portal, they should contact NHA staff for assistance.

Household Composition

Any change in the household composition must be reported in writing within 30 days. If the change in household composition results in a reduced income for the household, the tenant's rent will be adjusted. If the change of household composition results in a change in voucher size, the adjustment to the voucher size will be made based on NHA policy at the time the request for interim recertification is submitted with all required documentation.

Any new household members must be approved by NHA prior to the member moving into the assisted unit. In general, the NHA will not permit the addition of an adult member to the household unless by spousal relation, for the addition of a live-in- aide, or due to an emergency situation in which the only adult member is unable to fulfill the responsibilities of the Head of Household. However, NHA reserves the right to review all requests and make approvals on a case-by-case basis. If the addition of a household member results in an increase in income, the tenant's rent will be adjusted accordingly.

Changes in Income

If a household experiences a decrease in income, NHA should be notified of the change. NHA will request documentation verifying the income decrease. Once verified, NHA will adjust the family's rent portion accordingly and notify the family of the change. The interim will be made effective the first of the month following the notification of the decrease to NHA, provided that the change was reported in writing by completing appropriate HCV program forms and any requested information was supplied within the timeframe requested by NHA.

If a family experiences an increase in annual income totaling 10% or more, NHA should be notified of the change. NHA will request documentation verifying the income increase. Once verified, NHA will adjust the family's rent portion accordingly and the family will be given at least thirty-days' notice of the increase in family payment. Increases will be effective on the first day of the second month following the date the change occurred unless the family failed to abide by the reporting requirements.

Interim re-certifications do not affect regularly scheduled re-certification effective dates. NHA may choose not to process an interim re-certification during the last 90 days of a family's regularly scheduled reexamination. NHA may schedule special re-certifications every 120 days for families reporting zero (\$0) income. Families reporting \$0 income will be required to have all adult household members sign a certification of \$0 income and a release allowing NHA to obtain a certified copy of any tax return submitted to the IRS by all adults residing in the household.

Failure to comply with these re-examination requirements will be considered grounds for termination of assistance.

Addition of a New Household Member

When a program participant requests to add a new household member they must disclose and verify the new member's SSN at the time of the request, or at the time of processing the interim or annual reexamination of household composition that includes the new member.

When a program participant requests to add a new household member who is under the age of six (6) and has not been assigned a SSN, the participant is required to disclose and verify the child's SSN within 90 calendar days of the child being added to the household. The program may grant an extension of one additional 90-day period if the NHA, in its discretion, determines that the participant's failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the participant. Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, NHA must terminate the family's tenancy,

assistance, or both, of the entire family.

XX. Contract Rent Increases

At all times during the assisted tenancy, the rent to the owner may not exceed the reasonable rent as most recently determined or revised by NHA. NHA will reconsider the reasonableness of the rent under the following circumstances:

- Before any increase in the rent to the owner;
- If there is a 5 percent decrease in the published FMR in effect sixty (60) days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary;
- To expand housing opportunities to include tax credit and other affordable housing developments; or
- If directed by HUD

Rent increases may not be approved unless the rent is comparable, and the unit is in decent, safe, and sanitary condition and the owner is in compliance with the terms of the HAP contract and lease.

The contract rent may not be increased during the initial term of the lease. After the initial term, owners may request an increase 60 days prior to the anniversary date and must provide written notice of any proposed increase to the family and to NHA in accordance with the lease and contract. The increase may not be approved unless the increased rent meets rent reasonableness requirements, and the family agrees to the increase.

Families who wish to move because of the owner's rent increase will be required to give the owner proper notice and notify NHA at least 30 days in advance.

XXI. Repayment Agreements

If a participant owes money to NHA, NHA may require the participant to enter into a repayment agreement or may require repayment on demand. If the participant does not comply with the repayment agreement, NHA must terminate the participant from the program. NHA may also pursue civil collection, make referrals to the OIG, or credit agencies. However, NHA will consider extenuating circumstances on a case-by-case basis.

Under a Repayment Agreement, the NHA will require a fifteen percent (15%) upfront payment as a good faith gesture when signing the Agreement. The following payment schedule will then be in effect:

- If the family owes less than \$2,500, the amount must be paid in full within 60 days.
- No agreement shall exceed 36 months.
- The amount of the repayment plus the tenant's share of rent shall not exceed 40% of the monthly adjusted income (PIH-2010-19).

Failure to comply with the terms of the Repayment Agreement, including missed or late payments or if the NHA discovers additional unreported income, will result in termination of assistance.

If NHA determines that the family committed fraud or was grossly irresponsible, NHA may require the family to repay the entire amount in full and/or have its assistance terminated, as fraud or gross irresponsibility are considered a violation of a family obligation. (See Appendix 2: Fraud Prevention and Resolution Policy)

In no case does NHA have a responsibility to enter into a repayment agreement. If the family's assistance is terminated and repayment has not been made, the money will still be considered to be owed. If a family owes more than \$10,000, the NHA will report the debt to the HUD Office of the Inspector General (OIG). In addition, the debt will be reported to HUD and documented in its Enterprise Income Verification (EIV) system. When a family refuses to repay monies owed to NHA, NHA will utilize other available collection alternatives including, but not limited to, collection agencies, small claims court, civil lawsuit, or state income tax set-off programs.

XXII. Family Moves

Moves Requested by Participant Family

A family is not permitted to move during the initial lease term or more than once in any 12-month period. Families will be permitted to move if the landlord and the family mutually agree to terminate the lease. Any agreement to terminate the lease must be in writing.

A participant family that wishes to move must vacate the unit in compliance with the lease (e.g. provide landlord with adequate notice). NHA may opt to conduct a criminal background check of the members of the household who are 18 years of age and older prior to approving the issuance of a voucher to move. Provided all obligations have been met and there are no grounds for termination, the family will be issued a voucher to lease a new unit. Voucher size will be determined based on NHA's subsidy standards at the time of voucher issuance and can be found in this Plan.

The requirement to vacate the unit in compliance with the lease may be waived if a family requests to move, including a portability move, due to actual or threatened domestic violence, dating violence, sexual assault, or stalking. NHA will request in writing that tenants that seek to move under a claim of abuse complete the HUD Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking or provide other documentation in lieu of the form.

Moves Required by NHA

NHA may require participant families to move from one unit to another unit if the unit is overcrowded or the owner fails to comply with HQS requirements. When the unit or owner is not in compliance with federal regulations, NHA will terminate the HAP contract and offer the family the opportunity to move with assistance. To

continue receiving assistance, families must move to an acceptable unit within the voucher term and in accordance with NHA's move policies. Voucher size will be determined based on NHA policy at the time of voucher issuance. Failure to comply with NHA's move policies is grounds for termination.

XXIII. Family Separations

In the case of family separation or break-up, NHA has the discretion to decide which members of an assisted family will continue to receive the housing assistance. The factors to be considered may include: whether the assistance should remain with family members remaining in the original assisted unit; the interest of minor children or of ill, elderly or disabled family members; whether family members are forced to leave the unit as a result of actual or threatened physical violence against family members by a spouse or other member of the household; and whether any of the family members are receiving protection as victims of domestic violence, dating violence, sexual assault or stalking as provided in 21 CFR part 5, subpart L, and whether the abuser is still in the household.

Additionally, if a voucher transfer is requested by a participant, the NHA will consider all circumstances including, but not limited to, the death of the Head of Household, permanent incapacitation of the Head of Household, or permanent residency in a nursing home or long-term care facility by the Head of Household. The NHA will not approve the transfer of a voucher from one head of household to another head of household if it constitutes a violation of waiting list and preference policies.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under the settlement or judicial decree, NHA will follow the court's determination of which family members continue to receive assistance in the program.

A remaining family member is defined by HUD and previously approved by NHA to live in the unit as a household member. Live in aides, foster children, and foster adults do not qualify as remaining family members.

If the head of household dies or leaves the unit for any reason other than NHA termination of assistance, continued occupancy by remaining household members is permitted only if:

- The household reports the departure (or death) of the head of household in writing within 14 calendar days of the occurrence, and
- A replacement head of household is identified and reported to NHA in writing within 30 calendar days of the occurrence. If 30 days after the occurrence, no head of household is reported, NHA will proceed with termination.
- The household member seeking to become the head of household meets NHA's eligibility requirements.
- The member seeking to become the head of household has reported all income as required by NHA policy.

- The member seeking to become the head of household has not committed any violation of the lease agreement during their tenancy.
- The household agrees to occupy an appropriately sized unit based on NHA's Occupancy Standards.
- Except in cases where the member seeking to become the head of household is the parent or legal guardian of a remaining minor(s), the proposed head of household has been listed on the lease for at least 12 consecutive months, or since the previous head of household's tenancy (if less than 12 consecutive months).
- The head of household agrees to a written repayment agreement for any rent or charges incurred by the former head of household.
- Those under 18 seeking to become the head of household must provide proof of emancipation.
- An adult who becomes the guardian or other caretaker of remaining household member(s) who are minors, may apply to become head of household and must meet NHA's eligibility criteria.

NHA may deny housing assistance if an action to terminate the former head of household's housing assistance began prior to the former head of household's departure from the unit.

XXIV. HQS and Lead Safe Rule Compliance

The NHA has enacted the following procedures to strengthen abatement protocols for items that will be considered life-threatening emergencies and non-life threatening emergencies according to HQS. These standards deal mainly with health and safety, as well as function and operability, condition and appearance, maintenance, and structural.

Non-Emergency Inspections Abatement

In cases of failed non-emergency inspections, NHA will send the owner advance written notification, in accordance with the HAP contract, when NHA plans to abate payments. NHA will also notify the family of this action and apprise the family of its responsibility, based on applicable state or local law, for the payment of the tenant share of rent to the owner. When an owner fails to correct cited repairs within 30 days, housing assistance payments will be abated effective the first of the month following the end of the month in which the failed re-inspection occurred, and will continue until such time when:

- The owner corrects the deficiencies. Housing assistance payments may be resumed as of that date. It is the owner's responsibility to notify NHA in writing that all required repairs have been made and that the unit is ready for the re-inspection. Alternatively, the owner may submit photographic evidence or other evidence considered reliable by NHA to verify that the repairs have been made.
- The HAP contract expires or is terminated.

No retroactive payments will be made for the period during which the rent abatement occurred. When the deficiencies are corrected, however, pro-ration of

the monthly HAP payment may be provided to the owner based on the date a NHA inspector certified the required work was completed.

NHA will terminate HAP contracts which are under abatement at the earlier of: a) the month the family living in the unit has moved, or b) two months after the last HAP payment was made.

Emergency HQS Inspections

In cases of owner or tenant failure to repair life-threatening conditions within the required 24-hour time period, HAP payments will be abated the day following the expiration of the required repair period.

The following will be considered emergency fail items because they are life-threatening emergencies:

- No heat/inadequate heat levels between October 1 and May 1.
- No electricity in the entire unit.
- No running water.
- Natural gas leaks or fumes from any fuel burning equipment.
- Major plumbing leaks or flooding (such as sewer backup or stoppage).
- Any electrical outlet, switch, stationary light fixture, fuse box or circuit breaker that smokes, sparks or short circuits, creating a fire hazard.
- Uninhabitable units due to fire, tornado, destroyed or vandalized property that prevents a tenant from using the bathroom or kitchen or from entering the dwelling unit.
 - Any property determined uninhabitable by a city agency, including uninhabitable units due to fire, flood or other natural disasters.
- Lack of a working smoke detector on every level of the unit (including basements but not unfinished attics).

The following will be checked during every HQS inspection and cited as regular fail items if the conditions are not met:

- Working smoke detectors are required on every level of the unit (including basements but not unfinished attics), and in each sleeping area. However, if there is more than one working smoke detector on the floor, a single smoke detector not functioning/not present will not be considered an emergency fail item. It will instead be a regular fail item.
- Working carbon monoxide detectors are required in the kitchen and in the basement if gas appliances, furnaces, or hot water tanks are present. (It is permissible to have the carbon monoxide detector located just outside of the kitchen. Combination smoke/carbon monoxide detectors are acceptable.)

Additional HQS items

- Double-keyed dead bolts are not permitted
- In bathrooms, kitchens, and laundry areas, electrical outlets within 6 feet of a water source must have ground-fault circuit interrupter (GFCI). This rule is waived if the house was built before Jan. 1, 1975. (In units built before 1975, ungrounded GFCI outlets are acceptable as long as the breaker trips when tested manually.)
- Each unit, regardless of where in the unit it is, must have at least two (2) means of egress. (If one unit on the 2nd floor of a building has two levels (technically the 2nd and 3rd floors), the second means of egress can be on the same level as the primary entrance to the unit.)
- If an attic is used as a sleeping room and meets all sleeping room requirements, a separate egress (fire escape or ladder) is required.
- If a basement is used as a sleeping room and meets all sleeping room requirements, a separate egress (fire escape or ladder) is required.
- In order for a room to count as a bedroom, it must have a closet (or an area to hang clothing) and meet all the other HQS criteria for a bedroom.
- In units without central air conditioning, screens are required on the windows.
- The owner is required to install window guards on each window in every apartment and in the public hallways of the rented dwelling when a child who is at least six (6) months of age but no older than ten (10) years of age lives there. (Fire escapes, patios, and windows less than six (6) feet above grade are excluded from this requirement.)

Emergency Egress & Window Guards

- Any window guard installed on an emergency egress window shall be releasable or removable from the inside without use of a key, tool, or excessive force. An emergency egress window is any window in a sleeping room located on the second or third floor, other than a window providing access to a fire escape.
- Any window guard installed on a window that is not an emergency egress window, including any window in a unit located above the third floor and any window in a room on the second or third floor that is not a sleeping room, shall be designed, constructed and installed so that it cannot be removed, opened or dislodged without the use of a key or tool.
- Window guards shall be so constructed as to reject the passage of a solid four (4) inch sphere at every space and interval.
- Window guards shall bear a one hundred fifty (150) pound load at a center span when extended to maximum width.

- Window guards shall be constructed of metal or of other material of comparable strength and durability. In order to avoid obstruction of light and air, the diameter or width of metal rods used in window guards shall not exceed one-half (1/2) inch.

Additional Specifications for Window Guards

The following specifications apply to window guards other than double hung windows:

- Window guards intended for casements, sliders and other types or combinations of windows in which the height of the openings is not subject to limitation, shall be of such size as to fill the entire aperture, and shall reject passage of a solid four (4) inch sphere at every space or interval.
- Except as otherwise provided in paragraph (c) below, sliding windows and vertically pivoting windows may be equipped with stopping devices in place of window guards as follows:
- For sliding windows, solid metal blocks, measuring at least one-half (1/2) the depth of the window track and one-half (1/2) the width, shall be securely fastened into the bottom and upper window tracks to prevent the window from opening four (4) inches or more.
- For vertical pivoting windows, metal stopping devices shall be securely fastened to the upper and lower window frames so as to prevent the window from pivoting open four (4) inches or more. The height of the stopping devices shall extend not less than one inch nor more than two (2) inches beyond the window frame as needed to stop the window. The protruding edge of the stopping device shall be smooth and rounded.

NHA Bedbug Procedure

If at any time an inspector is notified or suspects the presence of bed bugs, the inspection will be halted. The inspection status will be 'Inconclusive' and identified with a bedbug notation. On the same day, or the next business day at the latest, notification of HQS Inconclusive status due to bedbugs will be mailed or emailed to the owner and tenant and the owner will be contacted by phone to inform them of presence of bedbugs.

The owner must immediately contact a licensed pest control company to inspect and/or treat the infected unit. Exterminators should inspect unit within 3 days of notification and treatment should begin immediately if bedbugs are determined to be present in the unit. If licensed pest control companies are unattainable within three calendar days, the owner must submit documentation of efforts to obtain qualified services. If the exterminator determines that bedbugs are present, and if applicable, the owner must exterminate the infested unit as well as any adjacent units above, below or next to the infested unit as soon as possible.

Within 3 calendar days from the date of the Inconclusive inspection, NHA must receive the following:

- Verification that a qualified third-party professional trained in bedbug detection has inspected the dwelling unit and determined that bedbugs do not exist; or
- Proof that the unit has received all required treatments to remedy the infestation.

Upon receipt of one of the above certifications, the HQS re-inspection will be scheduled at the earliest available appointment for the inspector according to information provided by the licensed pest control company.

If a certification of a completed inspection or absence of bedbugs from a licensed pest control company is not received within 3 days and a request for an extension has not been received, a second notice will be sent to the landlord giving them 5 additional calendar days to send certification to the IC. If at the end of the 5-day period, certification has not been received from the owner stating the unit has been treated for bedbugs or is bedbug free, the IC will change the status of the unit to “Fail” and send a “Fail” notice.

The unit must be reinspected within 30 days of the Fail notice. If certification is received regarding bedbug treatment, then a full inspection will be scheduled for the first availability in the inspector schedule. If any fail items are noted at the inspection, they will be treated as new fail items discovered at a reinspection. If during the reinspection, the inspector notices evidence of the presence of bedbugs or the tenant says they remain, the owner/agent must have the unit exterminated again within 3 days, or according to the recommended treatment plan of their exterminator. The owner will not be penalized if the tenant has not already notified them of the continued presence of bedbugs.

Lead Safe Rule

In accordance with the HUD’s Lead Safe Housing Rule (LSHR), the NHA will ensure owners and landlords are aware of their responsibilities and in addition:

- Ensure HUD and Public Health Departments are notified of all confirmed cases of Elevated Blood Lead Levels (EBLL)
- Ensure that an environmental investigation is conducted for any unit where a child is reported with EBLL
- Monitor owners’ compliance with LSHR
- Ensure owners complete and clear all lead-based paint hazards identified in the environmental investigation
- Take necessary adverse action including terminating the HAP contract if the owners fail to address lead risks in accordance with the updated Lead Safe Rule [2017-13].

Information and Assistance from NHA

Program participants will be informed that NHA staff are available to discuss and

assist with any program related issues. Participants shall be informed to notify their landlord in writing if repairs are not made promptly. If after 30 days, the repairs have not been made, the family will be instructed to send the Inspections Coordinator a copy of their earlier notice to the owner requesting repairs. NHA HCVP Management will review such requests for further action.

XXV. Evictions and Termination of Tenancy

Evictions

An owner may evict the resident from the unit only by instituting a court action. If a participant is evicted by the owner in a court action, the voucher is also terminated and cannot be used to lease another unit.

Per the requirements of the Violence Against Women Reauthorization Act of 2022 (VAWA), unit owners/managers shall not consider an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking as serious or repeated violations of the lease or other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of abuse.

Criminal activity directly related to abuse, engaged in by a household member, guest or other person under the tenant’s control, shall not be cause for termination of tenancy or occupancy rights if a member of the tenant’s immediate family is the victim or threatened victim of that abuse.

If an assisted household member engages in criminal acts of physical violence against family members or others, an owner/manager may “bifurcate” a lease, or otherwise remove the household member from the lease, in order to evict, remove, or terminate occupancy rights for any individual who is a tenant or lawful occupant. These actions may be taken without penalizing the victim.

These statements do not limit the authority or ability of a unit owner/manager to evict any tenant under program guidelines if they can demonstrate an “actual and imminent threat” to other tenants or persons employed at or providing services to the property.

If the owner opts not to renew the lease or to terminate the HAP contract for a business or economic reason (such as the sale of the property, renovation of the unit, desire to rent the unit at a higher rate or utilize the property for personal reasons) or if the HAP contract is to expire, the owner must give written notice to the family and NHA in accordance with the lease.

The owner must notify NHA in writing of the commencement of procedures for termination of tenancy at the same time that the owner gives notice to the resident under state and local law. The notice to NHA may be given by furnishing to NHA a copy of the notice to the tenant.

Termination by the Tenant

The tenant may terminate the lease without cause at any time after the initial term of the lease, according to the requirements stated in the lease, with written notice by the tenant to the owner (with a copy to NHA). The tenant may, however, only receive a voucher to move if it has been at least 12 months since the last household move with assistance.

The requirement to vacate the unit in compliance with the lease may be waived if a family requests a portability move due to actual or threatened domestic violence, Dating Violence, Sexual Assault or stalking. NHA will request in writing that tenants that seek to move under a claim of abuse complete the HUD Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking or provide other documentation in lieu of the form.

NHA Termination of the HAP Contract

NHA will terminate the current HAP contract or deny approval of a new HAP contract for the reasons listed below. In these cases, the HAP contract will terminate on the last day of the month following the month in which NHA provided the owner with notice.

NHA may terminate the HAP contract for any owner breach of contract, including the following:

- HAP contract violation (such as not maintaining HQS);
- Any fraud, bribery, or other corrupt or criminal act in connection with federal housing programs;
- A history or practice of failing to terminate tenancy of tenants of assisted units for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that: (a) threatens the right to peaceful enjoyment of the premises by other residents; (b) threatens the health or safety of other residents, of employees of NHA, or of owner employees or other persons engaged in management of the housing; (c) threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or, (d) commits drug-related criminal activity or violent criminal activity.
- Engaging in any drug-related criminal activity or any violent criminal activity; or
- Any failure to comply with mortgage insurance/loan program regulations, or bribery or other corrupt or criminal act in connection with the program (Only for projects with mortgages insured or loans made from HUD).

The nature and extent of circumstances will be considered when such HAP contract terminations are proposed.

Denial or Termination of Assistance to Applicant/Participant Families

NHA must deny housing assistance to any applicant household for the following

reasons.

- An applicant will be denied admission for five years from the date of the eviction if any household member has been evicted from federally assisted housing for drug-related criminal activity. However, the NHA may admit the household if it determines:
 - The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the NHA; or
 - The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- The NHA determines that any household member is currently engaging in illegal use of a drug (for purposes of this section, a household member is “currently engaged in” the criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current);
- The NHA 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;
- The NHA will permanently deny admission to the HCV program if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- The NHA will prohibit admission to the HCV program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. The NHA will perform necessary criminal history background checks in the state of New Jersey and in other states where household members are known to have resided.
- The NHA will deny admission to the HCV program if the NHA 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.
- The NHA will deny admission when the applicant fails to meet income and asset limitation thresholds established by HUD annually.

NHA may deny admission to an applicant family if NHA determines that any household member is currently engaged in or has engaged in any of the activities within the past five (5) years.

- Drug-related criminal activity (defined by HUD as 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).

- Violent criminal activity, defined by HUD as 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.
- Criminal activity that threatens persons or property which would adversely affect the health, safety, or welfare of other residents, NHA personnel or contractors including the possession of illegal firearms.
- Abusive or violent behavior or threats of violence towards NHA personnel.
 - Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
 - Threatening refers to oral or written threats or physical gestures that communicate with the intent to abuse or commit violence.
- Has a pattern of unsuitable past performance in meeting obligations of their tenancy including the following:
 - A pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents, NHA staff and contractors.
 - A pattern of eviction from housing or termination from residential programs (considering relevant circumstances).
 - Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program.
 - Failure to pay rent.
 - Misrepresented or does not provide complete information related to eligibility, including income, expenses, family composition or rent.
 - Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
 - The applicant or any member of the applicant household is a former resident of a public housing authority, or a former resident in the HCV program, who had a record of lease violations or whose tenancy was terminated by the PHA or private landlord.
 - No previous resident may be readmitted unless all previous amounts owed have been paid to the PHA; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless NHA has agreed in writing to grant eligibility upon payment of amounts due.
- Any other HUD required reason.

Termination of Assistance

NHA must terminate assistance for participant families for a variety of reasons. This section describes the circumstances in which NHA must terminate assistance.

Family Choice

The family may request that the NHA terminate housing assistance payments on behalf of the family at any time.

Family with Zero Assistance

If the family has received zero assistance for 180 days, NHA will terminate assistance. If the participating family receiving zero assistance experiences a change in circumstances that would cause the HAP to rise above zero, they must notify NHA of the changed circumstances and request an interim re-certification before the expiration of the 180-day period.

Eviction

The NHA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. A family will be considered evicted if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary (24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1)).

Failure to Provide Consent

The NHA will terminate assistance if any family member fails to sign and submit any consent form they are required to sign for any reexamination (24 CFR 960.259).

Failure to Document Citizenship

The NHA will terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members (24 CFR 5.514; 24 CFR 960.259).

If the NHA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis.

Failure to Disclose SSN

Failure to disclose SSN of household members within the required timeframe is cause for termination of assistance. However, NHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the family's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the family will be able to disclose an SSN by the

deadline (Link: 24 CFR 5.218, 24 CFR 960.259).

Threat to Other Participants

The NHA will terminate assistance when any household member engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other participants or by persons residing in the immediate vicinity of the premises. Immediate vicinity means within a three-block radius of the premises.

Methamphetamine Conviction

The NHA will immediately terminate assistance if NHA determines that any household member has ever been convicted of manufacture or production of methamphetamine in any location, and/or on the premises of federally-assisted housing (Link: 24 CFR 966.4).

Furnishing False or Misleading

The NHA will terminate assistance if the NHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

Other Serious or Repeated Violations of the Family Obligations of the HCV Program

Fugitive Felon or Parole Violator

If a participant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.

Persons subject to sex offender registration requirement

If any member of the household has, during their current participation in the HCV program, become subject to a registration requirement under a state sex offender registration program regardless whether it is for life time or not.

Crime On or Off the Premises

- Drug related convictions; Alcohol related convictions (if it indicates an ongoing pattern); Fraud;
- Acts of violent behavior convictions; and or Crimes of violent behavior

Applicants/participants must report any convictions from criminal activity that occur after the application review (this includes residents, participants and those that have not yet moved into NHA assisted housing program(s)).

NHA will allow applicants and participants to address and present mitigating circumstances regarding criminal background checks prior to final decision.

HCV Program Violations That May Lead to Termination

The following violations may result in termination of assistance for HCV program participants.

- Discovery of facts after admission to the program that would have made the participant ineligible.
- Discovery of false statements or fraud by the participant in connection with an application for assistance or with a reexamination of income.
- Failure to furnish such information and certifications regarding family composition and income as may be necessary for the NHA to make determinations with respect to rent, eligibility, and unit size.
- Revoking consent previously provided
- Information not provided: After issuance of the termination notice, but before the effective date of the termination, the participant may provide the missing data. It is solely NHA's discretion whether to accept the data or to proceed with termination.
- Missed appointments per policy and procedure requirements.
- Failure to transfer to an appropriate size unit based on family composition, upon notice by the NHA that such a move is required for inspection standards compliance.
- Failure to permit access to the unit by the NHA after proper advance notification for the purpose of performing routine inspections.
- Failure to inform the NHA within 30 days of the birth, adoption or court-awarded custody of a child.
- If the family has breached the terms of a repayment agreement entered into with the NHA.
- If a household member has engaged in or threatened violent or abusive behavior toward NHA personnel.
 - Abusive or violent behavior towards NHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
 - Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- Furnishing false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.
- If the family does not remedy family-caused housing standard inspection failures in the required timeframe.
- If the family does not allow NHA to inspect the unit at reasonable times and after reasonable notice.

- If any family member commits lease violations, including but not limited to:
 - If the family does not give proper notice to NHA and the owner before moving out of the unit.
 - The family does not give NHA a copy of any owner eviction notice as required in this Administrative Plan.
 - If the family is not using the assisted unit for residence by the family and/or the assisted unit is not the family's only residence.
 - If the family has non-approved persons residing in the unit.
 - If the family does not promptly notify NHA that a family member no longer resides in the assisted unit.
 - If the family engages in profit making activities in the assisted unit which are not incidental to the primary residential use of the unit.
- Limitation on Profit Making Activity in the Unit:
 - If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it is considered a violation.
 - If NHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit.
- If the family subleases, lets, assigns the lease or transfers the unit.
- If the family does not notify NHA of an absence from the unit, and if the family does not provide NHA any requested information regarding the absence.
- If the family owns or has any interest in the unit.
- If any family member is receiving or has received Section 8 participant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative housing assistance program.
- If the family breaches an agreement with NHA to pay amounts owed to NHA or amounts paid to an owner by NHA.
- Insufficient ACC funding to support continued assistance for families in the program. In such an event, NHA will follow the procedures outlined in NHA's Management Procedures.
- If the family fails to disclose to NHA any HUD notification it has received regarding discrepancies in the amount or verification of family income.
- Any other HUD required reason.

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, NHA will consider all of the circumstances of the case, including the seriousness of the case, the extent of participation or

culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

Per the 2022 Violence against Women Act, the following tenancy protections have been instituted for victims of actual or threatened domestic violence or stalking.

- Incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be considered to be “serious or repeated” violations of the lease or other “good cause” to terminate the assistance of victims of abuse.
- Criminal activity directly related to abuse, engaged in by a household member, guest or other person under the tenant’s control, shall not be cause for termination of assistance if a member of the tenant’s immediate family is the victim or threatened victim of that abuse. If an assisted household member engages in criminal acts of physical violence against family members or others, NHA may terminate assistance of the offending household member in order to maintain assistance for any individual who is a tenant or lawful occupant. These actions may be taken without penalizing the victim.

These protections will only be accorded to participants that complete the HUD Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking or provide other documentation in lieu of the form within specified timeframes.

These statements do not limit the authority or ability of NHA to terminate assistance to any tenant under program guidelines if either NHA or the unit owner/manager can demonstrate an “actual and imminent threat” to other tenants or persons employed at or providing services to the property.

Family Absence

Families must report any absence of the entire household (circumstances in which all family members are absent, and the unit has no occupants) of more than 30 days to NHA. At initial lease-up, and while preparing to move-in, NHA will allow the families to be absent from the unit up to a maximum of 30 days. Subsequent to moving in, NHA will permit absences of no more than 90 days, unless the participant can document a medical need.

In no case may a participant be absent from a unit for more than 180 days. If the family leaves the household for more than 90 days for a reason other than medical need, the unit will not be considered the family’s principal residence, and the family shall be terminated from the program.

In order to verify family absence from the assisted unit, NHA may:

- Conduct a special inspection

- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Check with the Post Office for forwarding address
- Contact the emergency contact

XXVI. Informal Reviews and Hearings

Informal Reviews of Procedural Compliance

To request an informal review of NHA's decision to deny assistance, an applicant for participation in the HCV program must submit a request for a review. The request must be submitted within 10 business days from the date of NHA's initial notice of determination. NHA shall give an applicant an opportunity for an informal review of a decision denying the applicant for one of the following reasons:

- Placement on NHA's waiting list
- Issuance of a voucher
- Participation in the program
- Any type of preference

Informal reviews will not be granted to applicants who dispute the following actions:

- The number of bedrooms entered on the voucher
- A determination that a unit does not meet or comply with HQS
- A decision not to approve a request for an extension of the term of the voucher
- General policy issues or class grievances.

The informal review shall be conducted by a staff member(s) designated by NHA, other than a person who made or approved the decision, or a subordinate of such person.

Waiting List Update Written Informal Review

Written informal reviews will be conducted at the NHA's discretion. Applicants requesting an informal review will be required to fully state their objection to the denial of admission in writing instead of attending an in-person review, so that the NHA is able to more quickly process the requests. Exceptions to this policy may be granted at the Program Director's discretion for applicants who are elderly or disabled as per HUD regulations under 24 CFR 982.554(b)2.

NHA shall give the applicant prompt written notification of the result of the review.

The notification shall be provided to the applicant or member of the family in-person, by first-class mail to the last known address, or via email. The notification will include a brief statement of the reason(s) for the decision.

Informal Hearings

To request an informal hearing, the **HCV** participant must submit a request within ten (10) business days from the date of NHA's notice of adverse action. NHA shall give the participant an opportunity for an informal hearing to consider whether decisions relating to the individual circumstances of the participant are in accordance with law, HUD regulations, and NHA rules in the following situations (24 § CFR 982.555):

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from NHA's utility allowance schedule.
- A determination of the family unit size under NHA subsidy standards.
- A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under NHA policy and HUD rules.
- A decision to delay, terminate or deny assistance because of ineligible immigration status (this applies to both applicants and participants).

An informal hearing will not be granted to participants for the following (24 § CFR 982.555(2)(b)):

- Discretionary administrative determinations by the NHA.
- General policy issues or class grievances.
- Establishment of the NHA schedule of utility allowances for families in the program.
- NHA's determination not to approve an extension or suspension of a voucher term.
- NHA's determination not to approve a unit for tenancy.
- NHA's determination that an assisted unit is not in compliance with HQS. (However, the NHA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in (24 § 982.551 (c)).
- NHA's determination that a unit is not in accordance with HQS because of the family size.
- A determination by the NHA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

The informal hearing for participants shall be conducted in accordance with the

following procedures:

- NHA shall appoint a hearing officer to conduct the hearing, other than the person who made or approved the decision under review or a subordinate of such person.
- The family, at its own expense, may be represented by a lawyer or other representative.
- The family or its counsel/representative shall be given an opportunity to examine evidence, question adverse witnesses, and to present testimony and evidence in its favor.
- Evidence shall be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- The hearing officer shall issue a written decision within 10 business days stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the participant shall be based on the evidence presented at the hearing.
- The decision shall be sent to the participant.

NHA is not bound by a hearing decision:

- Concerning a matter for which NHA is not required to provide an opportunity for an informal hearing
- Beyond the authority of the person conducting the hearing under NHA's hearing procedures
- Contrary to HUD regulations or requirements or otherwise contrary to Federal, State or local law

If NHA determines that it is not bound by a hearing decision, NHA shall promptly notify the participant of the determination and of the reasons for the determination.

XXVII. Damages to the Unit, Unpaid Rent and Vacancy Loss

Use of the Security Deposit

When the tenant moves out of the dwelling unit, the owner (subject to state and local law) may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit, or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if

any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

If the security deposit is not sufficient to cover the amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

The landlord must follow the lease and state and local laws in regards to the security deposit.

XXVIII. Restrictions on Assistance to Ineligible Non-citizens

As of June 19, 1995, HUD regulations prohibit NHA from providing housing assistance to non-citizens with ineligible immigration status. NHA will comply with all requirements of the regulations and the following policies.

Continued Assistance at Full Amount

Continued assistance at the full amount will be provided to certain mixed families. Mixed families are households in which one or more family members are citizens and/or have eligible immigration status and the remaining members do not. Mixed families that meet the following three criteria will receive continued assistance at the full amount allowable under the Housing Choice Voucher program, as long as they meet the requirements of the program.

- The family was receiving assistance under a covered program as of 6/19/95
- The family's head of household or spouse has eligible immigration status; and
- The only other people in the family without eligible immigration status are the head of household, spouse or parents or children of the head of household or spouse.

Prorated Assistance

All mixed families that are not eligible for, or interested in, continued assistance will be offered a prorated housing assistance payment based on the number of eligible family members. Applicant families who reject this option will not be assisted.

Extensions of Time to Document Status

Applicants and currently assisted households who have members who are non-citizens will be given an extension of time to submit evidence of eligible immigration status when the family:

- Submits the required declaration of eligible immigration status; and
- Certifies that the evidence needed is temporarily unavailable, additional time is needed, and that prompt and diligent efforts will be undertaken to obtain the evidence.

NHA will notify families of whether their extension has been granted or denied,

and the time period for the extension based on the circumstances. If the extension is denied, NHA will provide the reason for denial.

Denial or Termination of Assistance

Full or prorated assistance to an applicant or currently assisted household with at least one person with documented status will not be delayed, denied, or terminated because of ineligible immigration status for the following reasons:

- The Department of Human Services (DHS) verification process is not complete
- The family member in question moves
- The DHS appeals process has not been completed
- For a currently assisted household, the informal hearing process is not complete
- Assistance is prorated
- Mixed family assistance is continued or deferral of termination of assistance is granted

Once the DHS appeal process is completed, assistance to an applicant may be delayed (but not denied) until any requested NHA hearing is concluded.

Assistance to an applicant will be denied, and a currently assisted household's assistance will be terminated when:

- Declaration of citizenship or eligible immigration status is not submitted by the specified deadline or any extension
- Required evidence is submitted but DHS primary and secondary verification does not verify immigration status, and the family does not pursue a DHS or NHA appeal
- A DHS or NHA appeal is pursued but decision(s) are rendered against the family

NHA will send a notice when it decides to deny or terminate assistance for a household. The notice will include the reason for a denial, if the family has any rights to prorated assistance, the right to appeal to the DHS, and the right to request an informal hearing in lieu of or after the DHS appeal.

For applicants, the notice will advise that assistance may not be delayed until the conclusion of the DHS appeal process but may be delayed during the informal hearing process.

DHS Appeals

If the secondary verification process does not confirm eligible status, NHA will notify the family in writing of the DHS verification results and send the family a delay, denial, or termination of assistance notice which informs the family of the right to file an appeal with the DHS. The family has 30 days from the date of the

notification to request an appeal with the DHS, in writing.

NHA may give a family an extension of time to file a request for extenuating circumstances. No delay, denial, or termination of assistance on the basis of immigration status will occur until the United States Citizenship and Immigration Services (USCIS) appeal process is completed.

When NHA receives a copy of the DHS decision, NHA will notify families in writing of decisions concerning eligibility for assistance. If a family is ineligible, the notification will include the reasons and inform the family of its right to request an informal hearing.

Informal Hearings

Families who are denied eligibility because they do not meet the requirements of the restrictions on assistance to non-citizens, may request an informal hearing within ten (10) days of the mailing of the DHS decision or within ten (10) business days of NHA's decision to delay, terminate, or deny assistance, or in lieu of an DHS appeal. NHA will extend this request period for a specified period of time for good cause.

For currently assisted households, the informal hearing procedures are described in this Plan. For applicants, an informal hearing will be conducted by a person designated by NHA who may not be the person who made or approved the decision or a subordinate of the person who made or approved the decision. Applicant families requesting a hearing shall:

- Have the opportunity to examine and copy documents pertaining to eligibility status (at their own expense)
- Have the opportunity to present evidence and arguments in support of eligible status
- Have the opportunity to contest evidence used by NHA and to confront and cross-examine witnesses called by NHA
- Be entitled to be represented by an attorney or other designee
- Be entitled to arrange for an interpreter at the expense of the applicant or NHA, as agreed upon by both parties
- Be entitled to have the hearing recorded by audiotape

NHA will notify the family of its decision within ten (10) business days of the informal hearing.

XXIX. Administrative Fee Reserve Expenditures

NHA maintains an administrative fee reserve for the voucher program that includes the amount by which program administrative fees paid by HUD for a fiscal year exceed program expenses for that fiscal year plus interest earned on the administrative fee reserve.

If NHA determines that funds in the administrative fee reserve are not required to cover voucher program administrative expenses, NHA may use these funds for other housing purposes permitted by state and local laws. HUD, however, may prohibit the use of these funds for certain purposes.

Chapter 3: Fraud Prevention

Overview

The Newark Housing Authority is committed to protecting the integrity of the federal programs administered. All departments play a role in the prevention of employee, participant, and owner fraud. All information regarding allegations of possible abuse and fraud will be documented and placed in the applicant/participant file. All allegations, complaints, and tips will be evaluated to determine if follow-up is warranted. NHA may pursue several options to resolve cases of fraud including:

- Demanding full and immediate payment of amounts owed to NHA by an owner or participant
- Terminating the HAP contract
- Terminating program participation
- Terminating employment
- Executing a repayment agreement
- Referring the issue to the HUD Office of Inspector General (OIG)
- Reporting amounts or removing an owner from participation in the program due to credit bureaus and/or collection agencies
- Pursuing other legal remedies
- Notifying other PHAs or management companies of subsidized properties in cases involving dual subsidies

Fraud and abuse are defined as a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantive fact, made with the intent to deceive or mislead and result in payment of HCV funds in violation of the HCV program rules and requirements.

I. Fraud Prevention

Anyone with knowledge of suspected program fraud should contact NHA. NHA will review reported instances of fraud to determine if further investigation is needed.

Fraud Prevention Goals and Techniques

NHA will use the following goals and techniques to guide fraud prevention efforts:

- Preventing program fraud through applicant, participant, and owner education
- Responding to internal and external reports of participant/owner fraud and employee fraud through thorough investigation of circumstances, and when applicable, decisively moving to terminate participation, employment, or owner participation in the HCV program
- Reducing instances of fraud through complete and accurate verification of clients' household income through the use of the highest level of verification possible (EIV system)

- Offsetting HAP lost to participant/owner fraud through execution of repayment agreements and/or other collections efforts
- Reporting incidents of fraud involving payments in excess of \$10,000, and fraudulent acts committed by participants or owners to the HUD's OIG
- At briefings and in individual meetings, NHA Housing Specialists will discuss with families the fact that their signature on certain forms/documents indicates that they understand the consequences of the "penalty for perjury" statement that is displayed on all verifications forms.
- NHA will post flyers and posters regarding HUD's income verification requirements and the consequences of fraud to support the message delivered by staff in other forums.
- Housing Specialists are obligated to verify the accuracy of information received from participants regarding household composition and income to the maximum extent possible.
- To prevent falsification of unit ownership, unit ownership will be verified after a Request for Tenancy Approval (RFTA) has been received.

To further prevent fraud, NHA staff or its contractors shall not:

- Falsify any records associated with the HCV program.
- Knowingly omit income from a recertification or interim in order to provide a lower rent to anyone participating in the program.
- Submit a completed inspection report without actually having inspected the unit.
- Dispose of paperwork to avoid performing assigned tasks.
- Falsely change family composition.

Any action on the part of staff that could be construed as assisting fraud, such as accepting monetary or other gifts for services provided is prohibited and could result in termination of employment.

II. Corrections to Subsidy Payments

When an incorrect subsidy is identified as a result of an error, program fraud, misrepresentation, or abuse, NHA will promptly correct the subsidy under- or overpayment. A subsidy under- or overpayment includes:

- An incorrect housing assistance payment to the owner
- An incorrect family share established for the family
- An incorrect utility reimbursement to a family

Families and owners will be notified of corrective actions and penalties, if any. Increases in family share will be implemented only after the family has received 30 days advanced notice. Any decreases in family share will become effective on the first of the month following the discovery of the error. The family will not be reimbursed when the family

causes the underpayment.

Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by NHA staff.

When efforts to collect monies owed to the NHA (as described in the Family or Owner Remedies sections of this Plan) are unsuccessful, NHA may also pursue collection through credit bureaus, small claims court, civil lawsuit, state income tax set-off program, or other debt recovery solutions.

III. De Minimis Errors [24 CFR 5.609(c)(4)]

NHA will not be considered out of compliance due to de minimis errors in calculating family income. De minimis errors occur when the determination of a family's income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (or \$360 in annual adjusted income).

When NHA becomes aware of the existence of an income calculation error, it will make corrections to the error retroactively to the effective date of the action the error was made regardless of the dollar amount associated with the error. NHA will take corrective action to credit or repay a family if the family was overcharged tenant rent. Families will not be required to repay NHA or the owner in instances where NHA miscalculated income resulting in a family being undercharged for rent.

NHA will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error, staff program abuse, or de minimis error.

Chapter 4: Project Based Vouchers

Overview

The Newark Housing Authority (NHA) administers a Project-Based Voucher (PBV) program and may determine from time to time that circumstances exist that indicate that project basing of the units, rather than tenant basing of the same subsidy assistance is an appropriate option.

The regulations at 24 Code of Federal Regulations part 983 revised as of 4/1/2011 apply to Section 8 project-based assistance units. The proposed location of any project-based units must comply with the goals of deconcentrating poverty, expanding housing opportunities, and affirmatively furthering fair housing.

The NHA's project selection criteria are provided here and will be made available for public viewing. Under the Project Based Voucher (PBV) program, the NHA may enter into contracts with private owners to use up to 20 percent of HCV subsidy funds in particular buildings. This is known as "project-basing" what are otherwise tenant-based vouchers.

The NHA can project-base Section 8 Housing Choice Voucher program vouchers without requiring owners to invest other funds in their property. Thus, the NHA can decide whether to project-base vouchers to encourage new construction or rehabilitation or to attach assistance to existing units to promote voucher utilization, expand housing choices, and deconcentrate poverty.

I. Tenant Selection

Background

In general, the NHA's tenant selection procedures for its tenant-based programs apply for units assisted under the PBV program. Except for units which are occupied by eligible tenants upon the commencement of the project-based contract term, when a vacancy exists at a PBV site, the owner/manager will notify the next families on the owner-maintained, site-based waiting list.

All applicants indicating interest in the PBV units will be prescreened by the owner/manager for Section 8 eligibility and any site-specific requirements, and referred to the NHA for final determination of eligibility. These referrals must be made in chronological order from the site-based waiting list. The referred family must meet the targeted population criteria by the site and approved in the Project-Based Voucher Housing Assistance Payment contract, if any. The owner may not offer a unit to the family until NHA determines that the family is eligible for the program. The NHA will request and review a copy of the PBV owner's waiting list annually.

Under owner-maintained, site-based waiting lists, the NHA must:

- Not take PBV applications at the main office, but may, if requested forward an application to an owner to be placed on their owner-maintained, site-

based waiting list.

- List all PBV units on its website and in briefing materials, including the projects' contact information and other basic information about the project.
- Make final determination for eligibility for the PBV program. If NHA determines that the applicant is not eligible for the PBV program, the NHA is responsible to provide the notice at 24 CFR 982.554(a) of this title. NHA is then responsible for conducting the informal review.

All HCV waiting list administration requirements that apply to the PBV program (24 CFR part 982, subpart E, other than 24 CFR 982.201(e), 982.202(b)(2), and 982.204(d)) apply to owner-maintained waiting lists.

The NHA is responsible for oversight of owner-maintained waiting lists to ensure that they are administered properly and in accordance with program requirements, including but not limited to nondiscrimination and equal opportunity requirements under the authorities cited at 24 CFR 5.105(a). The owner is responsible for maintaining complete and accurate records as described in 24 CFR 982.158. The owner must give NHA, HUD, and the Comptroller General full and free access to its offices and records concerning waiting list management, as described in 24 CFR 982.158(c). HUD may undertake investigation to determine whether the NHA or owner is in violation of authorities and, if unable to reach a voluntary resolution to correct the violation, take an enforcement action against either the owner or the NHA, or both.

Not less than 75 percent of the families admitted to NHA's tenant-based and project-based voucher programs during the fiscal year from the NHA waiting list shall be extremely low-income families. The income-targeting requirements at 24 CFR 982.201(b)(2) apply to the total of admissions to NHA's project-based voucher program and tenant-based voucher program during the fiscal year from the NHA waiting list (including owner-maintained PBV waiting lists) for such programs.

Families who require particular accessibility features for persons with disabilities must be selected first to occupy PBV units with such accessibility features (see 24 CFR 8.26, 8.27, and 100.202). Also see § 983.260. The NHA shall have some mechanism for referring to accessible PBV units a family that includes a person with mobility or sensory impairment.

Offer of PBV Assistance or Owner's Rejection

If a family refuses the offer of PBV assistance or the owner rejects a family for admission to the owner's PBV units, the family's position on NHA's waiting list for tenant-based assistance is not affected regardless of the type of PBV waiting list used by the NHA.

The impact of a family's rejection of the offer or the owner's rejection of the family on a family's position on the PBV waiting list will be determined as follows:

- The family's name is removed from the project's waiting list connected to the family's rejection of the offer without good cause or the owner's rejection of the family.
- The family's position on any other project-specific PBV waiting list is not affected.
- Without good cause is defined as:
 - The family determines that the unit is not accessible to a household member with a disability or otherwise does not meet the member's disability-related needs;
 - The unit has HQS deficiencies;
 - The family is unable to accept the offer due to circumstances beyond the family's control (such as hospitalization, temporary economic hardship, or natural disaster); and
 - The family determines the unit presents a health or safety risk to a household member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

None of the following actions may be taken against an applicant solely because the applicant has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the NHA waiting list for tenant-based assistance or any other available PBV waiting list. However, the NHA (or owner in the case of owner-maintained waiting lists) is not required to open a closed waiting list to place the family on that waiting list.
- Deny any admission preference for which the applicant is currently qualified.
- Change the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection from the waiting list.
- Remove the applicant from the waiting list for tenant-based voucher assistance.

Appendix 2 of this Administrative Plan provides the names of NHA's PBV projects. The oversight procedures NHA will use to ensure owner-maintained waiting lists are administered properly and in accordance with program requirements, and the approval process of an owner's waiting list policy are also provided in this Plan.

For rehabilitation or existing projects, eligible in-place families will be given an absolute preference on the waiting list for units that become available. In-place families must be eligible on the proposal's selection date. In-place families must be determined eligible by the NHA and referred to the owner by the NHA.

The owner chooses a tenant for occupancy based on their written tenant

selection policy. The NHA must approve the owner's tenant selection procedures. When a family is approved by the owner, they will execute a lease with the owner, after final eligibility is determined by the NHA.

II. Site Review Process

NHA will review a PBV site's waiting list at least annually. NHA may review other policies and procedures periodically. The sections below provide the guidelines and due dates for basic site reviews.

Copy of Site-Based Waiting List

The site-based waiting list must be reviewed annually and more frequently, when requested. The list must indicate the order in which a tenant was placed prior to being housed.

Criminal Activity:

An owner with 10 or more units is required to report any criminal activity directly to the NHA and any other entity that requires such reporting within 30 days of an incident.

Copies of court filings:

An owner must provide the NHA copies of any landlord-tenant filings, including complaints and any final dispositions ordered by the court or agreed to by the parties involved.

Damage claims:

The owner must provide NHA with any updates on damaged and unoccupied PBV units that are being submitted for insurance claims and/or anticipated to be offline for more than 60 days due to the damage.

Listing of PBV Sites and Contacts:

NHA will distribute PBV site information to all applicants at the time of briefing. The current site listing is attached in Appendix 2 of this Plan.

III. Unit / Site Selection Policy

Limit on Number of Units Assisted per Building

Project Based Vouchers may be attached to up to 25% of the total number of units in a building. Units occupied by the disabled, elderly, or families receiving supportive services are exempt from this cap. The types of supportive services that the NHA will deem eligible to qualify a project to meet HUD's definition of families receiving supportive services include, but are not limited to:

- Household training (e.g.: homemaking, parenting skills, money management)
- Job training (preparation and counseling, job development and placement, follow-up assistance after job placement, completion of FSS "Contract of Family Participation")

- Self Sufficiency Services and Resources (appropriate to assist families to achieve economic independence and self-sufficiency)
- Remedial Education (education for the completion of Secondary or post-secondary education)
- Substance Abuse Treatment (counseling and treatment for substance abuse)

It is not necessary that the services be provided at or by the project, if they are approved services. NHA will require owners of such projects to submit an Annual Progress Report to ensure compliance with the supportive service exemption on the number of units per building. Failure to submit Annual Progress Reports may result in the abatement of the HAP.

Prior to contracting, unit owners are responsible for selecting tenants that the NHA refers from its waiting list. When selected from the Section 8 waiting list, applicants must satisfy all NHA and HUD income limits and eligibility requirements. Project-based tenants pay 30 percent of their adjusted income for rent subject to exceptions.

The NHA will consider a PBV site if it is consistent with the following deconcentration goals:

- The housing site must be located in Newark and be consistent with the deconcentration goals already established in the NHA's PHA plan and with civil rights laws and regulations, including HUD's rules on accessibility at 24 CFR 8.4(b).
- The NHA will evaluate each proposal based on whether the site is in an Enterprise Zone (EZ), Economic Community (EC), or Renewal Community (RC)
- Whether the concentration of assisted units will or has decreased as a result of public housing demolition
- Whether the census tract is undergoing significant revitalization
- Whether government funding has been invested in the area
- Whether new market rate units are being developed in the area that are likely to positively impact the poverty rate in the area
- If the poverty rate in the area is greater than 20%, whether in the past five years there has been an overall decline in the poverty rate
- Whether there are meaningful opportunities for educational and economic advancement in the area

The NHA will not limit proposals to a single site or impose restrictions that explicitly or practically exclude owners from submitting project-based proposals.

The NHA may restrict proposals to those that have a certain number of

bedrooms based on waiting list or community need. The NHA will select PBV proposals based on a public competition. The NHA will issue a broad public notice in media of general circulation (including on the internet) of the opportunity for developer/owners to apply/respond to the Request for Proposals to attach Project Based Vouchers. Once selected for award, the NHA will promptly notify the owner and publish a public notice of the award in media of general circulation.

The selection criteria will be available at NHA for public viewing. The NHA may opt not to conduct a separate competition if proposals presented to the NHA were accepted as part of a different competition for federal funds (HOME, HOPE VI, and Tax Credit) within 3 years of the PBV proposal selection date. The original competition, however, cannot have considered the possibility of future PBV assistance, but the selection must be based on the project's merits at the time of the competition.

The NHA may give a preference to Community Housing Development organizations or projects with Low Income Housing Tax Credits (LIHTC). The NHA may submit an application to attach project-based assistance to an existing structure which it owns. HUD will review the selection process in this case and determine that if NHA-owned units were appropriately selected based on the selection procedures specified herein. The NHA must determine that the proposed site meets all HUD "Site and Neighborhood" standards as defined at 24 CFR 891.125.

IV. Procedures for Owner Submission of Proposals

Owner proposals will be requested in an advertisement with a reasonable deadline. Owners will be sent an RFP application and information packet, which will contain the following:

- A description of the PBV program at 24 CFR 983
- Project selection criteria.
- Sample program documents including payment standard schedules, utility allowance schedules, and sample HAP agreement.
- An application/proposal form.
- Information about the application's due date and the date and time of the bidder's conference. A Bidder's Conference will be provided for owners who would like additional information about the program or who need assistance in completing the proposal form.

V. Procedures for Selection of Proposals

Initial Review and Screening of Proposals

The NHA will review only proposals submitted in response to the Request for Proposals advertisement and submitted by the stated deadline. The NHA shall

review proposals for completeness and compliance with RFP requirements. Proposals must include the following information (threshold requirements):

- Property description, including unit sizes, number of vacancies, eligible occupants.
- Evidence that property is eligible housing as defined at 24 CFR 983.53 and 983.54
- Evidence that property complies with the cap on the number of PBV units per building (24 CFR 983.56)
- Evidence that property meets the site selection standards (24 CFR 983.57)
- Owner certification indicating understanding and agreement to abide by all NHA and HUD rules and regulations governing the PBV program.
- Description of previous management experience and participation in HUD subsidized housing programs.
- Written tenant selection policy and procedures.
- Proposed rent levels accompanied by rent comparables for similar unassisted units in the area.
- Information on how the site is consistent with the deconcentration goals already established in the NHA's PHA plan and with civil rights laws and regulations, including HUD's rules on accessibility at 24 CFR 8.4(b).
- Owner's agreement to select tenants from the NHA waiting list

Proposals for New Construction must also include:

- Description of project including work plans.
- Zoning permits and evidence of site control
- Disclosure of Low-Income Tax Credit use or lien.
- Statement of Sources and Uses for Funds to develop the project.
- Operating pro forma.
- Descriptions of historic and environmental review status.
- Owner's plan to manage and maintain property.

After this initial threshold review, the actions outlined in the sections below will be taken.

Proposal Rejections

Incomplete proposals will not be processed. If the owner fails to provide needed information within 30 days, the proposal will be rejected. Proposals, which would require permanent displacement of tenants, will be rejected. Proposals where there is no site control will be rejected. Proposals where the property has liens

attached and these liens are a result of the current owner's negligence will also be rejected.

Owners of rejected proposals will be notified in writing of the reasons for rejection and will be offered an opportunity to discuss the rejection in person with NHA proposal evaluators.

Inspections

The NHA will schedule initial inspections of all projects which meet the threshold requirements described above. Based on this inspection, the NHA will review the general work and cost estimate and determine if the project qualifies as a new construction, rehabilitation, or existing housing project.

In the case of new construction and rehabilitation projects, specific work items needed to meet the \$1,000 per unit rehab requirement will be documented by the NHA. In the case of an existing project, the NHA will ensure that the minimum Housing Quality Standards are met using. Included in this report there will be a statement on the need for temporary relocation of tenants and an estimate of the time needed to complete construction.

Feasibility Analysis

Upon receipt of the above review, the NHA will conduct a feasibility analysis for each project. NHA will review the requested rents and supporting rent reasonableness information to determine if the rents are permissible under the PBV program. The NHA will determine that the rents approved are reasonable and comparable to private unassisted units.

Feasible proposals will be ranked according to the following point system.

- **Scope of Work** (New Construction and Rehabilitation projects only): 0-25 points will be awarded for project feasibility based on scope of work and proposed period of completion.
- **Location**: 0-25 points will be awarded for projects located in low-poverty areas with few affordable housing opportunities and which have easy access to community services, such as markets, schools, and public transportation.
- **Readiness to proceed**: 0-20 points will be awarded to projects where there are no legal encumbrances, in-place tenants have indicated their willingness to proceed with renovations, and the proposed rehab is consistent with existing zoning, owner/developer has already completed development activities such as work write-ups, specifications, cost estimates, bids, financing commitments, Historic Commission approval, and 21 (e) hazardous waste approval.
- **Owner Experience and Written Tenant Selection Policy and Procedures**: 0-10 points will be awarded for projects where owner/development team has previous experience doing similar work, owner has

demonstrated capability to self-manage, or has professional management.

- **Project Location and amenities** (0-10 points)
- **Community Housing Development Organizations or projects with LIHTCs** (0-10 points)

Greater point value will be awarded to projects which meet more deconcentration and accessibility goals. The NHA will evaluate each proposal based on whether the site is in an Enterprise Zone, Economic Community or Renewal Community (EZ/EC/RC); whether the concentration of assisted units will or has decreased as a result of public housing demolition; whether the census tract is undergoing significant revitalization; whether government funding has been invested in the area; whether new market rate units are being developed in the area which are likely to positively impact the poverty rate in the area; if the poverty rate in the area is greater than 20% whether in the past five years there has been an overall decline in the poverty rate and whether there are meaningful opportunities for educational and economic advancement in the area.

The NHA will only award PBV assistance to projects consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The NHA will not limit proposals to a single site or impose restrictions that explicitly or practically exclude owners from submitting project-based proposals.

Notification to Owners

Owners whose proposals have been approved will be promptly notified in writing of their acceptance and the number and size of the units which will be assisted. In each selection phase, letters to owners whose proposals have been selected will state that they have 30 days in which to complete any incomplete aspects of the proposal. For New Construction and Rehabilitation projects, the owners will within a reasonable time:

- Submit final specifications for construction/rehab
- Determine a contractor
- Secure general financial commitment letters
- Sign an agreement with the NHA stating willingness to participate in the program and to agree to long term leasing covenants

VI. Agreement to Enter into a Housing Assistance Payments (AHAP)

Contract Execution

All New Construction/Rehab PBV units require the owner/project sponsor to enter into an AHAP contract with the NHA prior to any demolition and/or construction. An AHAP contract will not be necessary for an existing project. An AHAP contract cannot be executed until the following actions are completed and approved by HUD, where applicable:

- A subsidy layering review (SLR) for any project that has any other

government assistance from federal, state, or local agencies, including tax concessions and tax credits. The SLR must be performed by HUD or an agency designated by HUD. Although an AHAP contract is not necessary, a SLR will be required of an Existing project.

- An environmental review (ER) performed by the “responsible entity” (RE) designated by the city, town, or state or a certification by the RE that a review is not required.

Housing Assistance Payments (HAP) Contract Execution

The NHA may enter into a Housing Assistance Payments (HAP) contract with an owner for an initial term of up to twenty (20) years for each contract unit contingent upon annual appropriations. The length of the term of the HAP contract for any contract unit may not be less than one year, nor more than twenty (20) years. In the case of NHA-Owned units, the term of the initial HAP shall be determined in accordance with 24 CFR 983.59. Further, the NHA may agree to enter into an extension at the time of the initial HAP contract term or any time before the expiration of the contract, for an additional term of up to twenty (20) years if the NHA determines an extension is appropriate to continue providing affordable housing for low-income families. NHA may provide multiple extensions; however, in no circumstance may such extensions exceed 15 years cumulatively.

The NHA will pay the difference between the tenant rent (roughly 30% of gross income) and the approved rent for the unit directly to the owner on a monthly basis. The Section 8 project based contract rent may not exceed rents charged for comparable units in the private unassisted market, and shall be consistent with HUD regulations found at 24 CFR 983, subpart G, Rent to Owner, and shall be approved by the NHA.

The NHA retains any and all rights and remedies available regarding enforcement, amendment, or termination of PBV AHAP and/or PBV HAP contracts under 24 CFR §983 and enumerated in HUD forms 52530A, 52530B, 52531A and 52531B.

VII. Summary of Other Important Project-based Assistance Program Regulations

Family Right to Move (24 CFR 983.261)

The family may terminate the assisted lease at any time after the first year of occupancy. The family must give the owner advance written notice of the intent to vacate (with a copy to the NHA) in accordance with the lease and/or not less than 30 days prior to the date they plan to vacate the unit. If the family has elected to terminate the lease in this manner, the NHA will offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

Before providing notice to terminate the lease, a family must contact the NHA to request comparable tenant-based rental assistance if the family wishes to move with continued assistance. If voucher or other comparable tenant-based rental assistance is not immediately available upon termination of the family's lease of a PBV unit, the NHA will give the family priority to receive the next available opportunity for continued tenant-based rental assistance. If the family terminates the assisted lease before the end of the one year, the family relinquishes the opportunity for continued tenant-based assistance.

Inspections

Inspections for the entire building will occur at the same time annually.

Rent

The voucher rent may never be set higher than what is reasonable in comparison to the unassisted market. The maximum rent is the same as the maximum payment standard approved for the Section 8 tenant-based voucher program or any other HUD approved exception rent. Additional rent restrictions for tax credit properties may be found at 24 CFR 983.301. The effect on rent to owners where there is another subsidy is described at 24 CFR 983.304.

Rent Increases

Rent increases during the term of the contract may be approved by the NHA so long as the increased rents do not exceed the maximum and are reasonable.

Vacancy Payments

The NHA at its discretion, and in accordance with 24 CFR §983.352, may pay the owner vacancy payments for up to 60 days.

High Rise Elevator

If the project is a high-rise elevated building that will house families with children, HUD must approve the site, based on criteria that indicate that "there is no practical alternative" for family housing in the community.

Davis Bacon Wage Rates

If PBV assistance will be attached to nine or more units in a project, the Davis-Bacon (D-B) Wage Rate Schedule, available online at <http://www.access.gpo.gov/davisbacon> will apply.

Contract Extensions

In accordance with the Housing Opportunity Through Modernization Act (HOTMA), the NHA may extend PBV contracts for up to an additional 20 years to extend the affordability of a site. The maximum term of a PBV contract including the extension will be 40 years pursuant current regulations.

Additional PBV

The NHA may project-base up to an additional 10 percent of its ACC authorized units above the 20 percent program limit to service: (1) Homeless persons or families, as defined by section 103 of the McKinney-Vento Homeless Assistance

Act (42 U.S.C. 11302) and the Continuum of Care Final Rule at 24 CFR 578.3. or but not limited to section 387 of the Runaway Homeless Youth Act (42 U.S.C. 5732a); (2) Veterans; and (3) Elderly Persons or Persons with disabilities with supportive services.

VIII. Leasing of Contract Units

Owner selection of tenants

During the term of the HAP contract, the owner must lease contract units only to eligible families selected following NHA's criteria and the sites limitations to house targeted populations (ex. homeless, veterans, etc.) from the owner-maintained, site-based waiting list.

The owner is responsible for adopting written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to perform the lease obligations.

An owner must promptly notify in writing any rejected applicant for the grounds of any rejection. The NHA may request a copy of the notification sent to the applicant.

Size of unit

The contract unit leased to each family must be appropriate for the size of the family under the NHA's subsidy standards.

IX. Vacancies

Filling Vacant Units

The owner must promptly notify the NHA of any vacancy or expected vacancy in a contract unit. The owner must lease vacant contract units only to eligible families on the owner-maintained, site-based waiting list. NHA and the owner must make reasonable, good faith, efforts to minimize the likelihood and length of any vacancy.

Reducing The Number of Contract Units

If any contract units have been vacant for a period of 120 days or more since the unit became vacant (notwithstanding the reasonable good faith efforts of the owner to fill such vacancies), NHA may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (by number of bedrooms) that have been vacant for such period.

X. Tenant Screening

NHA has no responsibility or liability to the owner or any other person for the family's behavior or suitability for tenancy.

Owner Responsibility

The owner is responsible for screening and selecting the family to occupy the

owner's unit. The owner is responsible for screening of families on the basis of their tenancy histories. An owner may consider a family's background with respect to such factors as:

- Payment of rent and utility bills
- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others
- Compliance with other essential conditions of tenancy

Providing Tenant Information to Owner

The NHA will provide the owner with the following information, if available:

- The family's current and prior address (as shown in the NHA records)
- The name and address (if known to the NHA) of the landlord at the family's current and any prior address.

When a family wants to lease a dwelling unit, the NHA may offer the owner other information in the NHA's possession about the family, including information about the tenancy history of family members, drug trafficking, and criminal activity of family members.

The NHA will give the family a description of the NHA policy on providing information to owners, and the same types of information will be given to all owners, if available.

The protections for victims of domestic violence, dating violence, sexual assault or stalking in 24 CFR part 5, subpart L, apply to tenant screening. [Provisions included in Violence Against Women Reauthorization Act of 2022: Implementation in HUD Housing Programs, Final Rule, published in the Federal Register on November 16, 2016, (81 Fed. Reg. 80724(November 16, 2016)) (VAWA Final Rule), HUD Notice H 2017-05].

Chapter 5: Expanding Housing Opportunities through Mobility Counseling

Overview

The NHA is committed to providing its Section 8 participants with the broadest possible range of housing choices. Actions to be taken will include:

- Providing a thorough explanation to voucher holders of where they can move, using maps showing the various areas in and outside of NHA's jurisdiction, and the location of key facilities and services. In addition, the advantages of living outside areas of low-income concentration will be discussed.
- Providing a thorough explanation of portability under the Section 8 program and including in the packet a listing of the names and phone numbers of contact persons at neighboring PHAs.
- Providing voucher holders and participants who wish to move with listings of units throughout the City of Newark currently available for Section 8 participants, and of owners and organizations operating outside of areas of low-income concentration.
- Recruiting landlords in neighborhoods of the City of Newark where there are low concentrations of minorities and persons of low income.
- Evaluating the need for and seeking HUD approval, if necessary, for payment standards exceeding 110% of the published Fair Market Rent for areas with lower concentrations of low-income families (applying for sub-market fair market rents).
- Conducting outreach to owners of rental housing in the City of Newark and surrounding jurisdictions in areas with lower concentrations of low-income families. Outreach efforts will include periodic advertisements in the newspaper of general circulation, semi-annual meetings with current and potential owners, and the distribution to owners of informational materials about the Section 8 Program.

Chapter 6: Special Programs

Overview

This chapter describes the policies and procedures for administering special programs by NHA.

I. Family Self-Sufficiency (FSS) Program

The FSS program was created by Section 554 of the National Affordable Housing Act of 1990. The purpose of the FSS program is to promote the development of local strategies to coordinate use of the Section 8, public housing, and Indian housing programs with public and private resources to enable eligible families to achieve economic independence and self-sufficiency. HUD encourages all PHAs to develop an FSS program or to convert any internal self-sufficiency programs to meet FSS requirements.

On May 27, 1993, HUD published an Interim Notice (93-24, HA) which includes the Family Self-Sufficiency Interim Rule (published in the Federal Register also on May 27, 1993), a revised set of FSS Program Questions and Answers, a revised Contract of Participation, and a revised Escrow Credit Worksheet. In FY 1993, HUD mandated that all PHAs receiving new increments of Section 8 rental certificates and vouchers, or funds for new rental housing units implement an FSS Program unless granted an exemption.

As a result of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), funding received after October 21, 1998 no longer mandates an increase in the minimum size of a PHA's FSS program.

NHA has taken steps to implement an FSS program that is compliant with all HUD requirements. In conjunction with its Housing Choice Voucher Homeownership Program, NHA will design and administer a variety of programs to enhance the quality of life of voucher participants and provide homeownership opportunities that may not otherwise be available to them.

The goal of the NHA's program is to promote the development of local strategies to coordinate the use of housing assistance under the Section 8 voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency.

FSS Requirements

NHA and each participating family will establish an FSS head of household and execute an FSS Contract of Participation (COP) that specifies the rights and responsibilities of both parties. The 5-year FSS contract specifies goals and services for each family. The contract of participation begins upon the first reexamination of income after the COP execution date and can be extended for up to 2 years. Family members must fulfill all requirements in order to obtain full benefits. Families may graduate in fewer than 5 years.

The FSS contract requires that the family comply with the lease, that all family members become independent of welfare, and that the head of the family seek and maintain suitable employment. Possible sanctions for noncompliance with the FSS contract are termination from the FSS program, forfeiture of the FSS escrow account, and withholding or termination of supportive services.

Program Benefits

An interest-bearing FSS escrow account is established by NHA for each participating family. An escrow credit, based on increases in earned income of the family, is credited to this account by NHA during the term of the FSS contract. The family will not receive escrow credit if they are in the process of moving and currently not under lease. NHA may make a portion of this escrow account available to the family during the term of the contract to enable the family to complete an interim goal such as education.

If the family completes the contract and no member of the family is receiving cash welfare assistance, the amount of the FSS account is paid to whomever signs the contract of participation as the FSS head of household. If NHA terminates the FSS contract, or if the family fails to complete the contract before its expiration, the family's FSS escrow funds are forfeited. Forfeited escrow will be deposited into an account to be used for the benefit of FSS families.

II. Housing Choice Voucher Homeownership Program

The HCV Homeownership program of the Newark Housing Authority (NHA) is hereby established pursuant to the final rule dated September 12, 2000, "homeownership option" authorized under Section 8(y) of the US Housing Act of 1937 as amended by Section 555 of the QHWRA of 1998. This homeownership program permits eligible participants in the HCV program, including participants with a portable voucher, the option of purchasing a home with their housing assistance.

NHA's FSS and HCV Homeownership Programs are designed to enhance the quality of life of program participants. Prior to receiving homeownership assistance, the family must attend and satisfactorily complete a counseling regime. Counseling will be provided by an approved HUD counseling agency or be consistent with such programs.

Topics include of homeownership counseling include the following:

- Home maintenance
- Budgeting money and debt management
- Credit counseling
- Obtaining financing and the types of financing available
- How to locate a home
- Advantages of purchasing a home in an area without high concentration of poverty
- Fair housing information

- Information about the Real Estate Settlement Procedures Act (RESPA), truth and lending laws, and how to identify types of financing that may be available, and the pros and cons of different types of financing
- On-going counseling after the purchase at NHA's discretion.

NHA will be working closely with participants and the financial institutions during the initial phases to secure mortgages. The participants will receive pre-counseling sessions and post-counseling sessions in the areas of money management, homebuyer obligations, credit counseling, home maintenance etc.

Qualified families will be given 120 days, the equivalent of four (4) months, in which to find a home. Extensions will be given on a case-by-case basis depending on the effort made by the family to find a suitable home. The family will be required to provide the NHA with monthly reports on their progress. Once they find a home, participants have an additional 60 days in which to secure a commitment from a lending institution. The home must be in move-in condition.

Once the offer on the home is completed, two (2) inspections will be required. One by NHA's inspector to ensure the property meets HQS requirements and another by an independent certified home inspector.

Re-certification will be conducted on an annual basis. The participants will be updated periodically on energy conservation information and given materials on self-home improvements.

Eligible applicants for the HCV Homeownership Program must have completed an initial lease term, may not owe NHA or any other PHA an outstanding debt, and must meet the eligibility criteria set forth herein.

Family Eligibility Requirements

The NHA will establish a separate waiting list for the HCV homeownership program. NHA residents of public housing, HCV, and PBV participants may apply to the Homeownership waitlist. Completion of the FSS program is not a requirement to be eligible to participate in the homeownership program. Participation in the HCV Homeownership Program is voluntary. Each HCV Homeownership participant must meet the general requirements for admission to the HCV program. Additional eligibility requirements for participation in NHA's HCV Homeownership program are as follows:

- Must meet the HUD definition of first-time homebuyer (i.e. the participant has not had ownership interest in a home in the past three years).
- An individual or family must have a voucher issued by the Newark Housing Authority (NHA).
- With the exception of elderly and disabled households, an individual or family must meet a minimum income requirement without income from "welfare assistance sources."

- With the exception of elderly and disabled households, an individual or family meet the pre-requisite employment criteria.
- Must have completed an initial lease term in the HCV program and have had rental assistance for more than a year.
- Have fully repaid any outstanding debt owed to NHA or any other PHA and has not violated any voucher program requirements.
- Not defaulted on a mortgage securing debt to purchase a home under the home ownership option or any other mortgage default.
- Not have any member who has a present ownership interest in a residence at the commencement of home ownership assistance.
- The head of household or spouse has attended a 6 hour approved homeownership seminar and briefing.
- Have an acceptable credit history (families unable to meet this criterion will initially be referred to credit counseling, and then re-considered for the program).
- Provide the lender and other real estate professionals with all pertinent documentation.
- Have sufficient resources to provide a down payment equal to 3% of the purchase price of a typical home that meets the family household size and closing costs. Escrow accounts and gifts may be utilized for this purpose. A minimum homeowner down payment requirement of at least one percent must come from personal resources.
- The family must sign a statement of family obligations for the program.
- The family is determined "mortgage ready" meaning would likely qualify for a mortgage based on its income and housing prices applicable to the size house the family requires.
- The family must have shown stability in the past.
- Be able to comply with any additional special requirements for homeownership assistance as specified by NHA.

Elderly and Disabled Households

Elderly and disabled families are exempt from the employment requirements. In the case of an elderly or disabled family, NHA will consider income from all sources, including welfare assistance and SSI in evaluating whether the household meets the minimum income required to purchase a home through the HCV homeownership program.

NHA-Owned Units

NHA-owned units are eligible for purchase through the homeownership option but an independent entity must perform certain administrative duties for which NHA would normally be responsible:

- The independent entity must review the contract of sale
- Conduct the initial Housing Quality Standards (HQS) inspection
- And review the independent inspection report

In addition, the independent entity must determine the reasonableness of the sales price and NHA-provided financing.

The reviews performed by the independent entity shall be conducted in accordance with the homeownership option regulations. The independent entity must be selected by NHA and approved by HUD in accordance with existing procedures under the tenant-based assistance program. The NHA may not steer, direct, or require families to purchase NHA-owned properties.

Except for the purchase of NHA-owned units, the homeownership option regulations do not require the NHA to consider the reasonability of the sale price. In addition, although NHA may establish requirements governing terms and types of financing, it is not required to do so.

First-Time Homeowner

Each Section 8 Family, except families with a disabled member, must be a first-time homeowner. A first-time homeowner means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of home ownership assistance.

However, a single parent or displaced homeowner who owned a home with a spouse or resided in a home owned by a spouse is considered a "first-time homeowner" for purposes of the Section 8 homeownership option; and the right to purchase title to a residence under a lease-purchase agreement is not considered an ownership interest. A member of a cooperative (as defined in HUD regulations) also qualifies as a first-time homeowner.

Minimum Income Requirement

To participate in the program, a minimum income requirement equal to 2,000 hours of annual full-time work at the Federal minimum wage is required. The minimum requirement is only considered in determining a family's initial qualification to purchase a home; it is not a continuing requirement and is not considered again unless the family opts to purchase a subsequent home with homeownership assistance.

NHA must consider the income of all adult family members who will own the home to determine eligibility for homeownership assistance and it must further include all welfare assistance and government benefit income in determining the annual income of disabled or elderly families.

Disabled households as defined by HUD, must also meet a minimum income requirement. The minimum income requirement for disabled households is equal

to the current Federal Supplemental Security Income (SSI) monthly payment for individuals living alone, multiplied by twelve.

Exclusion of Welfare Assistance Income

With the exception of elderly and disabled families, NHA will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes assistance from Temporary Assistance for Needy Families ("TANF"), Supplemental Security Income (SSI) that is subject to an income eligibility test, food stamps, general assistance, or other welfare assistance specified by HUD.

The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the homeownership program. It does not affect the determination of income-eligibility for admission to the HCV program, calculation of the family's total payment, or calculation of the amount of homeownership assistance payments.

Employment History

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family, who will own the home at commencement of home ownership assistance, is employed full-time (an average of 30 hours per week). This employment must have been continuous for one year prior to the execution of the sales agreement.

In order to reasonably accommodate a family's participation in the program, NHA will exempt families that include a person with disabilities from this requirement. NHA may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The NHA may also consider successive employment during the one-year period and self-employment in a business.

Completion of Initial Lease Term

Participants of the HCV program shall be ineligible for participation in the homeownership program until completion of an initial lease term and the participant's first annual recertification in the HCV program is completed. Nothing in this provision will preclude participants that have completed an initial lease term in another jurisdiction from participating in the homeownership program.

Repayment of Any Housing Authority Debts

Participants in the HCV program shall be ineligible for participation in the homeownership program in the event any debt or portion of a debt remains owed to NHA or any other PHA. Nothing in this provision will preclude participants that have fully repaid such debts(s) from participation in the homeownership program.

Prior Mortgage Defaults

The PHA shall not commence homeownership assistance to a family if any family member has previously received assistance under the homeownership option

and has defaulted on a mortgage securing debt incurred to purchase the home.

Portability

NHA also will permit portability of homeownership assistance to another jurisdiction, provided the receiving jurisdiction operates a Section 8 Homeownership Program for which the homeownership applicant qualifies or authorizes NHA to administer the homeownership assistance in their jurisdiction.

Additional Family Participation Requirements

When a family is determined eligible to participate in the program, the family must comply with the following additional requirements:

- Complete a homeownership counseling program;
- If the family currently does not have a checking account, they will be advised and counseled to open one and work with NHA credit counselors to assist maintain the account and better manage their finances;
- Within a specified amount of time, the family must locate the home it proposes to purchase;
- Submit a sales agreement containing specific components to NHA for approval;
- Allow NHA to inspect the proposed dwelling to see if it meets minimum HQS requirements;
- Obtain an independent inspection covering major building systems;
- Obtain NHA approval of the proposed mortgage that must comply with generally accepted mortgage underwriting requirements; and
- Enter into a written agreement with NHA to comply with all of its obligations under the HCV Homeownership Program.

Types of Homes That Can be Purchased

The following types of homes may be purchased through the HCV Homeownership Program.

- New or existing single-family homes or condominiums
- Planned use development cooperative
- Lofts-live/work units
- Manufactured homes

Locating a Home

Upon receipt of the homeownership voucher, a family shall have one hundred and twenty (120) days to locate a home to purchase. A home shall be considered located when the family submits a proposed sales agreement with the requisite components to NHA.

For good cause, NHA may extend a Section 8 family's time to locate the home for additional thirty (30) day increments. If a family is unable to locate a home within the time approved by NHA, their Section 8 rental assistance through the HCV program shall continue.

Finding a Home Outside of the City of Newark

The family also may purchase a home in a jurisdiction other than the City of Newark, provided the other PHA in the receiving jurisdiction operates a Section 8 homeownership program for which the applicant qualifies. The receiving PHA may also authorize NHA to administer the homeownership assistance in their jurisdiction. In the former case, a family's participation in the Section 8 Homeownership Program will be subject to the program and policies of the receiving jurisdiction.

Purchasing a Home

Once a home is located and the sales agreement is reviewed by NHA and signed by the family, the family shall have up to 60 days, or such other time as is approved by NHA or set forth in the NHA-approved sales agreement, to purchase the home.

Failure to Complete

If an HCV participant is unable to purchase the home within the maximum time permitted by NHA, NHA shall continue the family's participation in the HCV program but will withdraw the Section 8 homeownership option. The family may not re-apply for the Section 8 homeownership program until they have completed an additional year of participation in the HCV program directly following the initial determination of their eligibility for the homeownership option.

Lease Purchase

Families may enter into lease-purchase agreements while receiving Section 8 rental assistance. All requirements of the HCV program apply to lease-purchase agreements, except that families are permitted to pay an extra amount out-of-pocket to the owner for purchase related expenses as a "homeownership premium."

A homeownership premium, defined as an increment of value attributable to the value of the lease-purchase right or agreement, is excluded from the NHA rent reasonableness determination and subsidy calculation and must be absorbed by the family. When a lease-purchase participant family is ready to exercise their option, they must notify the Homeownership Counselor at NHA and apply for the homeownership option.

Independent Initial Inspection

To assure the home complies with the HQS of the Section 8 program, homeownership assistance payments may not commence until NHA inspects the home. An independent inspection of existing homes covering major building systems also must be completed by an inspection professional selected by the

family and approved by NHA. NHA will not pay for the independent inspection. The independent inspection report must be provided to NHA. NHA may disapprove of the unit due to information contained in the report or for failure to meet HQS. NHA has the discretion to set standards for qualifications of inspectors.

Sales Agreement

Prior to execution of the offer to purchase or the sales agreement, the financing terms must be provided by the family to NHA for review. The sales agreement must provide for inspection by NHA and the independent inspection and must state that the purchaser is not obligated to purchase unless such inspections are satisfactory to NHA.

The contract also must provide that the purchaser is not obligated to pay for any necessary repairs without approval by NHA. The sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by NHA. The sales agreement must also contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under HUD Regulations.

Financing Requirements

If a mortgage is not FHA insured, NHA will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD, FHA, Ginnie Mae, Fannie Mae, Freddie Mac, or other private lending institutions.

Compliance with Family Obligations

A family must agree, in writing, to comply with all family obligations under HUD and NHA's homeownership policies. These obligations include: (1) attending ongoing homeownership counseling, if required by NHA; (2) complying with the mortgage terms; (3) not selling or transferring the home to anyone other than a member of the family who resides in the home while receiving home ownership assistance; (4) not refinancing or adding debt secured by the home without prior approval by NHA; (5) not obtaining a present ownership interest in another residence while receiving home ownership assistance; and (6) supplying all required information to NHA including but not limited to annual verification of household income, notice of change in homeownership expenses, notice of move-out and notice of mortgage default.

Amount of Assistance

The amount of the monthly assistance payment will be based on the voucher payment standard for which the family is eligible and the family's household income. NHA will pay the payment standard, and the family will pay the difference.

Determining the Payment Standard

The payment standard is a fixed amount that NHA establishes annually based on

HUD's published Fair Market Rents (FMRs). The payment standards are determined based on unit size and location within NHA's jurisdiction. In the homeownership program, the initial payment standard will be the lower of either (1) the payment standard for which the family is eligible based on family size; or (2) the payment standard which is applicable to the size of the home the family decides to purchase.

The payment standard for subsequent years will be based on the higher of the payment standard in effect at commencement of the homeownership assistance, or the payment standard in effect at the most recent regular reexamination of the family's income and size. The initial payment standard, for purposes of this comparison, shall not be adjusted even if there is a subsequent decrease in family size. NHA will approve up to 120% of the published FMR limit, where warranted, as a reasonable accommodation for a family that includes a person with disabilities.

Payment to Family or Lender

NHA will provide the lender with notice of the amount of the housing assistance payment prior to close of escrow. NHA, at its discretion, may pay the contribution towards the family's homeowner expenses directly to the family or to the lender, unless otherwise required by the lender. The family will be responsible for submitting the entire mortgage payment to the lender unless the lender requires direct payment of NHA's contribution or electronically the payments could be drawn from the bank for NHA and the participant.

Termination of Section 8 Homeownership Assistance

A family's homeownership assistance may be terminated if the family fails to comply with its obligations under the HCV program, NHA homeownership policies, or if the family defaults on the mortgage. If required, the family must attend and complete ongoing home ownership and housing counseling classes. The family must comply with the terms of any mortgage incurred to purchase and to refinance the home. The family must provide with written notice of any sale or transfer of any interest in the home; any plan to move out of the home prior to the move; the family's household income on an annual basis; any notice of mortgage default received by the family; and any other notice which may be required pursuant to NHA home ownership policies. Except as otherwise provided in this section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving homeownership assistance.

Home Occupancy

Homeownership assistance will only be provided while the family resides in the home. If the family moves out of the home, NHA will not continue homeownership assistance commencing with the month after the family moves out. Neither the family nor the lender is obligated to reimburse the NHA for homeownership assistance paid for the month the family moves out.

Changes in Income Eligibility

A family's homeownership assistance may be changed in the month following annual recertification of the household income, but participation in the HCV Homeownership program shall continue until such as the assistance payment amounts to \$0 for a period of six (6) consecutive months.

Maximum Term of Homeownership Assistance

The HCV assistance is limited to 15 years if the mortgage is 20 years or longer, and 10 years if the mortgage is less than 20 years. These limits do not apply to elderly or disabled families. Families that qualify as elderly at the commencement of homeownership assistance are not subject to a maximum term limitation. Families that qualify as disabled families at the commencement of homeownership assistance or at any time during the provision of homeownership assistance are not subject to a maximum term limitation. If a disabled family or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date homeownership assistance commenced; provided, however, that such family shall be eligible for at least six additional months of assistance after the maximum term becomes applicable.

The time limit applies to any member of the household who has an ownership interest in the unit during any time that homeownership payments are made, or a spouse of any member of the household has an ownership interest.

Procedure for Termination of Homeownership Assistance

A participant in the HCV homeownership program shall be entitled to the same termination notice and informal hearing procedures as set forth in NHA's Administrative Plan for participants enrolled in the HCV program.

Compliance Lien

Upon purchasing a home, the family must execute documentation as required by HUD and NHA, consistent with state and local law, securing NHA's right to recapture the homeownership assistance in accordance with this plan. The lien securing the recapture of homeownership subsidy may be subordinated to a refinanced mortgage.

Recapture of Homeownership Assistance

There are no recapture requirements.

Default on FHA-Insured Mortgage

If the family defaults on an FHA-insured mortgage, NHA may permit the family to move with continued HCV assistance if the family demonstrates that it has: (a) conveyed title to the home to HUD or its designee, as required by HUD; and (b) moved from the home within the period established or approved by HUD.

Waiver or Modification of Homeownership Policies

The Executive Director or designee of NHA shall have the discretion to waive or modify any provision of the HCV Homeownership Program or policies not

governed by statute or regulation for good cause or to comply with changes in HUD regulation or directives.

Chapter 7: Project-Based Vouchers (PBV) Under the Rental Assistance Demonstration (RAD) Program

This chapter describes HUD regulations and PHA policies related to the Project-Based Voucher (PBV) program under the Rental Assistance Demonstration (RAD) program.

I. Overview and History of the RAD Program

In 2012, Congress authorized the Rental Assistance Demonstration (RAD) to test a new way of meeting the large and growing capital improvement needs of the nation's aging public housing stock, as well as to preserve projects funded under HUD's "legacy" programs (Rental Supplement, Rental Assistance Payment, and Moderate Rehabilitation). Properties "convert" their assistance to long-term, project-based Section 8 contracts. These new contracts provide a more reliable source of operating subsidy that allow PHAs and owners to safely leverage private capital – typically debt and equity – in order to finance the property rehabilitation or replacement. The contracts as well as underlying use restrictions must be renewed each time they expire, ensuring the long-term affordability of the improved properties.

Current and future residents are provided with a robust set of rights and protections, including the consultation during the conversion process, the right to return to the property when repairs are completed, the right to organize and funding for organizing, and a right to move with tenant-based assistance if needed to move closer to a job, school, family, or other reason. Further, HUD requires that a public or non-profit entity must always maintain a controlling interest in the property, even in the rare and unanticipated event of foreclosure, thus ensuring the long-term public stewardship of the properties.

The program's primary objectives are to:

- Preserve and improve public and other assisted housing.
- Standardize the administration of numerous federally subsidized housing programs and rules. The conversions are intended to promote operating efficiency by using a Section 8 project-based assistance model that has proven successful and effective for over 30 years. In other words, RAD aligns eligible properties more closely with other affordable housing programs.
- Attract private market capital for property renovations. Through the use of this model, properties may be able to leverage private debt and equity to make capital repairs.
- Increase tenant mobility opportunities.

Under the first component, a PHA with public housing units may submit an application to HUD to convert some or all of their public housing units to long-term, project-based Section 8 HAP contracts under either:

- Project-based rental assistance (PBRA) under HUD's Office of Multifamily Housing Programs.

- Project-based vouchers (PBVs) under HUD's Office of Public and Indian Housing (PIH).

Applicable Regulations

Generally, regulations for both the traditional and RAD PBV programs follow the regulations for the tenant-based HCV program found at 24 CFR Part 982.

However, there are some important parts of the tenant-based regulations that do not apply to the project-based program. 24 CFR Part 983 outlines the sections of 24 CFR Part 982 that are not applicable to the project-based program.

As of the date of this Administrative Plan, NHA has chosen to convert certain public housing developments to PBV assistance pursuant to RAD. NHA's policies as described in this Chapter are consistent with HUD's rules governing the RAD program as set forth in Notice PIH 2019-23, REV- 4 (issued September 5, 2019) and Notice PIH 2019-23 (issued January 12, 2017).

Otherwise, all regulatory and statutory requirements for the standard PBV program in 24 CFR Part 983 and Section 8(o) (13) of the Housing Act of 1937, and all applicable standing and subsequent Office of Public and Indian Housing (PIH) guidance, including related handbooks, apply to RAD PBV. This includes environmental review, Davis-Bacon, and fair housing requirements.

RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Public Law 112-55, approved November 18, 2011), as amended by the Consolidated Appropriations Act of 2014 (Public Law 113-76, approved January 17, 2014), and the Consolidated and Further Continuing Appropriations Act of 2015 (Public Law 113-235, approved December 6, 2014), and Division L, Title II, Section 237 of the Consolidated Appropriations Act (Public Law 114-113, enacted December 18, 2015) collectively, the "RAD Statute."

Requirements specific to the RAD program may be found in the following:

- Generally, public housing projects converting assistance under RAD are bound by the terms of the notice in effect at the time of closing. Notice PIH 2012-32, REV-3 is applicable to projects converting assistance through RAD, including those where a CHAP has already been issued, upon the expiration of the 30-day comment period after publication of the notice. Notice PIH 2019-23 was published January 12, 2017.
- Notice PIH 2012-32, REV-2, RAD – Final Implementation, REV-2 is applicable to projects converting assistance through RAD upon the expiration of the 30-day comment period after publication of the Notice. PIH Notice 2012-32, REV-2 was published June 15, 2015.

NOTE: The policies in this chapter follow Notice PIH 2019-23.

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, the PHA policies for the tenant-based voucher

program contained in this administrative plan also apply to the RAD PBV program and its participants. This chapter is intended to address requirements specific to the RAD PBV program only.

Equal Opportunity Requirements

RAD conversions are governed by the same civil rights authorities that govern HUD-assisted activities in general. These authorities prohibit discrimination and impose affirmative obligations on HUD program participants. The NHA complies with all applicable fair housing and civil rights laws, including but not limited to the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, when conducting relocation planning and providing relocation assistance.

Site Selection Standards

Site selection requirements set forth in 24 CFR 983.57 apply to RAD PBV, with the exception of 983.57(b)(1) and (c)(2). HUD waives the provisions regarding deconcentration of poverty and expanding housing and economic opportunity for existing housing sites.

To facilitate the uniform treatment of residents and units, any non-RAD PBV units located in the same project are subject to the terms of this provision.

The PHA must ensure that its RAD PBV conversion, including any associated new construction, is consistent with its certification to affirmatively further fair housing and complies with civil rights laws.

Housing Accessibility for Persons with Disabilities

Federal accessibility requirements apply to all conversions, whether they entail new construction, alternations, or existing facilities. The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The PHA must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implement regulations at 24 CFR 100.205, as applicable (24 CFR 983.102).

II. RAD PBV CONTRACT TERMS

Public housing projects converting under RAD do not employ the PBV Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Instead, following the execution of all requirements contained in the Commitment to Enter into a HAP (CHAP) contract and the RAD Conversion Commitment (RCC), a project is converted immediately to the RAD PBV HAP contract following the closing of any construction financing. Owners of public housing projects converted to PBV assistance via RAD enter into a HAP contract with the PHA that will administer the PBV assistance. Units assisted under a RAD PBV HAP contract must be subject to long-term, renewable use

and affordability restrictions.

Contract Information

The RAD PBV program uses the PBV HAP contract for new construction or rehabilitated housing (Form HUD-52530A), as modified by the RAD rider (Form HUD-52621). The distinction between “existing housing” and “rehabilitated and newly constructed housing” is overridden by RAD requirements. The RAD rider must be attached to the PBV HAP contract and effectuates the conversion of public housing to PBV under RAD PBV. The project must also have an initial RAD use agreement. All public housing RAD conversion properties financed with LIHTC are also required to include an LIHTC rider.

Execution and Effective date of the HAP Contract

RAD PBV projects do not employ an Agreement to Enter into a Housing Assistance Payments (AHAP) contract like in the standard PBV program. Rather, when the conditions of the CHAP and the RCC are met and the conversion has closed, the PHA executes the HAP contract. Project owners may select the effective date of the HAP contract as the first day of either of the two months following the completed closing.

Project Selection

Unlike in the standard PBV program where the PHA typically selects the property through an owner proposal selection process, projects selected for assistance under RAD PBV are selected in accordance with the provisions in Notice PIH 2019-23. Therefore, 24 CFR 983.51 does not apply since HUD selects RAD properties through a competitive selection process.

Length of Contract

RAD projects shall have an initial HAP Contract term of 20 years. Project owners are required to make available for occupancy by eligible tenants the number of assisted units under the terms of the contract and may not reduce the number of assisted units without HUD approval.

Mandatory Contract Renewal

In accordance with the RAD Statute, upon expiration of the initial contract and each renewal contract, NHA must offer, and the project owner must accept, renewal of the contract subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year for such renewal.

RAD Use Agreement Pursuant to the RAD Statute

Pursuant to the RAD Statute, a “Covered Project” (the Project that converted under RAD) shall have an initial RAD Use Agreement that will:

- Be recorded in a superior position to all liens on the property. The Use Agreement shall be recorded prior to the Security Instrument or any other mortgage or security instrument relating to an FHA-insured loan or a risk-share loan;

- Run until the conclusion of the initial term of the HAP Contract, automatically renew upon extension or renewal of the HAP Contract for a term that coincides with the renewal term of the HAP Contract, and remain in effect even in the case of abatement or termination of the HAP Contract (for the term the HAP Contract would have run, absent the abatement or termination), unless the Secretary approves termination of the RAD Use Agreement in the case of a transfer of assistance;
- Provide that in the event that the HAP Contract is removed due to breach, noncompliance or insufficiency of appropriations, for all units previously covered under the HAP Contract new tenants must have incomes at or below 80% of the AMI at the time of admission and rents may not exceed 30% of 80% of AMI for an appropriate size unit for the remainder of the term of the RAD Use Agreement; and
- Require compliance with all applicable fair housing and civil rights requirements, including the obligation to affirmatively further fair housing.

Initial Contract Rent Setting

HUD has calculated initial contract rents for every public housing project based on each project's subsidy under the public housing program. Notwithstanding HUD's calculation, initial PBV contract rents are subject to the statutory and regulatory PBV requirements governing contract rents (see 24 CFR § 983.301). To this effect, initial contract rents cannot exceed the lower of: 1) the reasonable rent (as defined under 24 CFR § 983.303); 2) an amount determined by the PHA, not to exceed 110% of the applicable FMR (or applicable exception payment standard), minus any utility allowance; or 3) the rent requested by the owner.

Method of Adjusting Contract Rents

Contract rents will be adjusted only by HUD's Operating Cost Adjustment Factor (OCAF) at each anniversary of the HAP Contract, subject to the availability of appropriations for each year of the contract term. The rent to owner may at no time exceed the reasonable rent charged for comparable unassisted units in the private market, in accordance with 24 CFR § 983.303.3 However, the rent to owner shall not be reduced below the initial rent to owner for dwelling units under the initial HAP Contract.

Initial Certifications

For the initial certification, the PHA will use the family's public housing tenant rent (reflected on line 10f of the family's most recent 50058) at the date of conversion to calculate HAP and tenant rent for the PBV program. The PHA will use this amount until the effective date of the earlier of the family's first regular or interim recertification following the conversion. At that point, the PHA will use the family's TTP based on the recertification and the applicable utility allowance (HCV or RAD PBV site- based, as applicable) to determine PBV HAP and tenant rent. Any non-RAD PBV units located in the same project are subject to the same requirements.

Utility Allowances

The NHA will adopt the utility allowance schedule adopted by the Housing Choice Voucher program.

Utility Reimbursements

The NHA will make utility reimbursement payments directly to the family.

Agreement to Enter into a HAP (AHAP) Contract Waiver and RAD Rehab Assistance Payments

For conversions of existing public housing units to PBV an AHAP contract is not required. Therefore, all regulatory references to the Agreement (AHAP), including regulations under 24 CFR Part 983 Subpart D, are waived. The definitions for proposal selection date, new construction, rehabilitation, and existing housing are not applicable.

The PHA and Project Owner typically will enter into a HAP Contract before construction begins. Until the work is complete, standard HAP Contract funding procedures will be used for occupied units. Units that are not occupied at any point during the period of work identified in the approved Financing Plan and RAD Conversion Commitment may be eligible for Rehab Assistance Payments equal to the Public Housing Operating Fund and the Capital Fund amounts that formed the basis for the calculation of initial contract rents.

III. RELOCATION REQUIREMENTS [Notice PIH 2016-17]

In some developments, in-place residents may need to be relocated as a result of properties undergoing repairs, being demolished and rebuilt, or when assistance is transferred from one site to another. RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed. Any non-RAD PBV units located in the same project are also subject to the right to return.

Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements.

Right to Return

Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to either: a) a unit at the development once rehabilitation or construction is completed, provided the resident's household is not under-housed; or b) a unit in the development which provides the same major features as the resident's unit in the development prior to the implementation of the RAD conversion.

Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an

assisted unit at the new site once rehabilitation or construction is complete. Residents of a development undergoing conversion of assistance may voluntarily accept an offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project's conversion of assistance. See section 1.4.A.5(ii) of the RAD Notice and the RAD Fair Housing, Civil Rights, and Relocation Notice PIH 2016-17, issued on November 10, 2016, regarding a resident's right to return.

In the case of multi-phase RAD transactions, the resident has a right to return to the development or to other converted phases of the development that are available for occupancy at the time the resident is eligible to exercise their right of return. Generally, the resident's right to return must be accommodated within the development associated with the resident's original unit, however, the NHA may treat multiple converted developments on the same site as one for purposes of right to return. The NHA will secure the resident's consent in writing should the NHA seek to have the resident exercise the right to return at a future phase.

No Re-screening of Tenants Upon Conversion

Pursuant to the RAD Statute, at conversion, current authorized households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current authorized households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). Once the grandfathered household moves out, the unit must be leased to an eligible household from the NHA waiting list. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units.

Renewal of Lease

Under RAD, the owner must renew all leases upon lease expiration, unless good cause exists not to renew. This provision must be incorporated into the resident lease or tenancy addendum, as appropriate.

Phase-in of Resident Rent Increases

If a resident's monthly rent increases by more than the greater of ten percent or \$25 purely as a result of conversion, the rent increase will be phased in over five years. For purposes of this section "standard TTP" refers to the Total Tenant Payment (TTP) calculated in accordance with regulations at 24 CFR § 5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the household's most recent HUD Form 50058. If a household in a development was

paying a flat rent immediately prior to conversion, NHA shall use the flat rent amount to calculate the phase-in amount for Year 1, as illustrated below. Households will not pay more than 30% of their adjusted gross household income for rent.

Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the standard TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the standard TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the standard TTP
- Year 5 AR and all subsequent recertifications – 100% (Full standard TTP)

Once the calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends, and residents will pay full TTP from that point forward.

IV. INSPECTING UNITS

HQS Inspections

The housing quality standards (HQS) for the tenant-based program generally apply to the PBV program. HQS requirements for shared housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program. The physical condition standards at 24 CFR 5.703 do not apply to the PBV program.

When work is occurring under RAD, HUD requires that all units meet HQS no later than the date of completion of the work as indicated in the RAD Conversion Commitment (the contract executed by HUD, the PHA and, as applicable, the post-conversion Owner and describes the terms and conditions of the conversion).

Lead-based Paint

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821- 4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851- 4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program.

Initial Inspection

Under standard PBV regulations at 24 CFR 983.103(b), the NHA may not enter into a HAP contract until the NHA has determined all units comply with HQS. It is

responsibility of the contract administrator to perform this initial inspection (unless units are PHA-owned). In order to accommodate projects in which repairs are conducted, however, HUD has waived this requirement when units are undergoing rehabilitation. In this case, units must meet HQS by the date indicated in the RAD Conversion Commitment (RCC).

Turnover Inspections

Before providing assistance to a new family in a contract unit, the NHA must inspect the unit. The NHA may not provide assistance on behalf of the family until the unit fully complies with HQS.

Biennial Inspections

At least once every 24 months during the term of the HAP contract, the NHA must inspect a random sample consisting of at least 20 percent of the contract units in each building, to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement.

If more than 20 percent of the sample of inspected contract units in a building fail the initial inspection, the NHA will reinspect 100 percent of the contract units in the building.

Other Inspections

The NHA must inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The NHA must take into account complaints and any other information coming to its attention in scheduling inspections.

The NHA will conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting NHA supervisory quality control HQS inspections, NHA shall include a representative sample of both tenant-based and project-based units.

Inspecting PHA-Owned Units

Inspections will be performed by an independent agency designated by the NHA and approved by HUD. The independent entity must furnish a copy of each inspection report to the NHA and to the HUD field office where the project is located. The NHA will take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by the PHA-owner.

Remedies for HQS Violations

The NHA will not make any HAP payment to the owner for a contract unit during

any period in which the unit does not comply with HQS. If the NHA determines that a contract does not comply with HQS, the NHA may exercise any of its remedies under the HAP contract, for any or all of the contract units. Available remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP contract. There will be no retroactive HAP payments made for periods during which the HAP is abated for non-compliance with HQS.

The NHA will abate and terminate PBV HAP contracts for noncompliance with HQS in accordance with the policies used in the tenant-based voucher program (see Chapter 2, Section XXIV).

V. AMENDMENTS TO THE HAP CONTRACT

Floating Units

Upon request of the owner to NHA that will administer the project, HUD will permit assistance to float among units within the project that are the same bedroom size. The unit to which assistance is floated must be comparable to the unit being replaced in quality and amenities. However, NHA chooses not to float assistance among unoccupied units within the project.

Reduction in HAP Contract Units

Project owners are required to make available for occupancy by eligible residents the number of assisted units under the terms of the HAP contract. The NHA may not reduce the number of assisted units without HUD approval. Any HUD approval of a PHA's request to reduce the number of assisted units under contract is subject to conditions that HUD may impose.

If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, the NHA shall reinstate the unit after the family has vacated the property. If the project is partially assisted, the NHA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR 983.207.

HAP Contract Year and Anniversary Dates

The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year. There is a single annual anniversary date for all units under a particular HAP contract.

Owner Responsibilities Under the HAP Contract

When the owner executes the HAP contract, they certify that at such execution and at all times during the term of the HAP contract:

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment, and utilities as agreed to under the HAP contract and the leases;
- Each contract unit for which the owner is receiving HAP is leased to an eligible family referred by NHA, and the lease is in accordance with the HAP contract and HUD requirements;
- To the best of the owner's knowledge, the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family's only residence;
- The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit;
- The amount of the HAP the owner is receiving is correct under the HAP contract;
- The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;
- Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit;
- The family does not own or have any interest in the contract unit (this does not apply to the family's membership in a cooperative); and
- Repair work on the project selected as an existing project that is performed after HAP contract execution within such post-execution period as specified by HUD may constitute development activity, and if determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.

Vacancy Payments

At the discretion of the PHA, and in accordance with 24 CFR 983.352, the HAP contract may provide for vacancy payments to the owner for a NHA-determined period of vacancy extending from the beginning of the first calendar month after the moveout month for a period not exceeding two full months following the moveout month. The amount of the vacancy payment will be determined by NHA and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner, including amounts available from the resident's security deposit.

NHA will provide vacancy payments to the owner for a period up to 60 days. The HAP contract with the owner will contain the amount of the vacancy payment and the period for which the owner will qualify for these payments.

VI. SELECTION OF PBV PROGRAM PARTICIPANTS

Overview

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

Prohibited Rescreening

Current households cannot be excluded from occupancy at the covered project based on any rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. Post-conversion, the tenure of all residents of the covered project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified by Notice PIH 2019-23 (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family. Existing residents at the time of conversion may not be rescreened for citizenship status or have their social security numbers reverified.

Further, so as to facilitate the right to return to the assisted property, this provision must apply to current public housing residents of the converting project that will reside in non-RAD PBV units placed in a project that contain RAD PBV units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR 983 for non-RAD PBV. Any non-RAD PBV units located in the same project are also subject to the right to return.

For the RAD PBV program, in-place family means a family who lived in a pre-conversion property at the time assistance was converted from public housing to PBV under RAD.

Eligibility for PBV Assistance

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and the NHA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to NHA's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. The NHA may also not approve a tenancy if the owner (including a principal or

other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

The NHA will determine an applicant family's eligibility for the RAD PBV program in accordance with the policies in Chapter 2 of this Administrative Plan.

VII. PBV Waiting List

Organization of the Waiting List

The standard PBV regulations at 24 CFR 983.251 set out program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies.

NHA will establish and manage separate waiting lists for individual projects or buildings that are receiving RAD PBV assistance.

For any applicants on the public housing waiting list that are likely to be ineligible for admission to a covered project converting to PBV because the household's TTP is likely to exceed the RAD gross rent, the NHA will consider transferring such household, consistent with program requirements for administration of waiting lists, to the NHA's remaining public housing waiting lists or to another voucher waiting list, in addition to transferring such household to the waiting list for the covered project.

To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait lists to which their application was transferred in accordance with the date and time of their application to the original waiting list.

NHA will maintain the project-specific waiting list in accordance with all applicable civil rights and fair housing regulations found at 24 CFR 903.7(b)(2)(ii)-(iv).

Selection From the Waiting List

After conversion to RAD PBV, applicants who will occupy units with RAD PBV assistance must be selected from the NHA's waiting list.

Income Targeting

At least 75 percent of the families admitted to NHA's tenant-based and project-based voucher programs during NHA's fiscal year from the waiting list must be extremely low-income families. The income targeting requirement applies to the total of admissions to both programs.

Families in place at the time of the conversion are exempt from income targeting

requirements. New admissions follow standard PBV requirements.

Units with Accessibility Features

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, NHA must first refer families who require such features to the owner.

Preferences

The NHA will not use selection preferences for PBVs.

VIII. Selection and Offer of PBV Assistance

Refusal of Offer

NHA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refusing to list the applicant on the waiting list for tenant-based voucher assistance
- Denying any admission preference for which the applicant qualifies
- Changing the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the PHA's selection policy
- Removing the applicant from the tenant-based voucher waiting list

Owner Selection of Tenants

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection.

Leasing

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by the NHA from the NHA's waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on the NHA's subsidy standards (see Chapter 2, Section XIII).

IX. Public Housing FSS Participants

Current public housing (PH) FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and PHAs will be allowed to use any PH FSS funds granted previously or pursuant to the current fiscal year PH FSS notice of funding availability (NOFA), to serve those FSS participants who live in units converted to RAD and who will as a result be moving to the HCV FSS program. A PHA must convert the PH FSS program participants at the covered project to their HCV FSS program.

Residents who were converted from the PH FSS program to the HCV FSS program through RAD may not be terminated from the HCV FSS program or have HCV assistance withheld due to the participant's failure to comply with the contract of participation. Consequently, 24 CFR 984.303(b)(5)(iii) does not apply to FSS participants in converted properties.

Any non-RAD PBV units located in the same project are also subject to these requirements.

Resident Participation and Funding

Residents of covered projects converting assistance to PBVs will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

X. Emergency Transfers Under VAWA

Except where special consideration is needed for the project-based voucher program, NHA will follow VAWA policies as outlined in Chapter 2, Section XVIII, of this administrative plan, including using the Emergency Transfer Plan as the basis for PBV transfers under VAWA.

HUD requires that the PHA include policies that address when a victim has been living in a unit for less than a year or when a victim seeks to move sooner than a tenant-based voucher is available.

When the victim of domestic violence, dating violence, sexual assault, or stalking has lived in the unit for less than one year, NHA will provide several options for continued assistance.

NHA will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where NHA has PBV units. NHA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to either tenant-based rental assistance (HCV) or assistance in NHA's public housing program. Such a decision will be made by NHA based on the availability of tenant-based vouchers and/or vacancies in public housing units. Such families must be selected from the waiting list for the applicable program.

If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, NHA will offer the participant an internal transfer to another PBV unit in the same development or a transfer to a different development where NHA has PBV units. NHA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to NHA's public housing program.

XI. Reexaminations

A family living in a unit converted from public housing to RAD PBV may retain its certification date. Unless a family's annual reexamination is due at the same time as the effective date of the RAD PBV HAP contract, the NHA does not need to recertify residents at the point of conversion. For each family residing in a unit undergoing conversion of assistance under RAD, the NHA shall submit a form HUD-50058 reflecting the family's admission to the voucher program. The effective date of the new admission will be the same as the effective date of the RAD PBV HAP contract. The form should include the same information previously found on the public housing form 50058, including the next annual reexamination date.

XII. Earned Income Disallowance

Residents who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR 5.617. Upon the expiration of the EID for such families, the rent adjustment will not be subject to rent phase-in; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time. Any non-RAD PBV units located in the same project are also subject to these requirements.

Under the HCV program, the EID exclusion is limited to only persons with disabilities [24 CFR 5.617(b)]. In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in section 5.617(b) limiting EID to only persons with disabilities is waived. The waiver and resulting alternative requirement only applies to tenants receiving the EID at the time of conversion. No other resident, such as residents who at one time received the EID but are not receiving the EID exclusion at the time of conversion (e.g., due to loss of employment), residents that move into the property following conversion, etc., is covered by this waiver.

No families will qualify for the EID after 12/31/2023. Any family that currently has an EID may continue to use that until their time expires.

XIII. RESIDENT PROCEDURAL RIGHTS

At a minimum, residents will have the following procedural rights, which NHA has expanded by incorporating the RAD Guiding Principles for the benefit of residents.

Termination Notification

HUD has incorporated additional termination notification requirements to comply with section 6 of the U.S. Housing Act of 1937 as may be amended (Act) for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257, related to owner termination of tenancy and eviction, the termination procedure 65 at a minimum for RAD conversions to PBV

will require that the owner provide adequate written notice of termination of the lease which shall be:

- A reasonable period of time, but not to exceed 30 days:
 - If the health or safety of other tenants, project owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - In the event of any drug-related or violent criminal activity or any felony conviction;
- Not less than 14 days in the case of nonpayment of rent; and
- Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

Grievance Process

HUD is incorporating additional resident procedural rights to comply with the requirements of Section 6 of the Act.

For issues related to tenancy and termination of assistance, PBV program rules require the owner to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required.

In addition to reasons for an informal hearing listed at 24 CFR 982.555(a)(1)(i)–(v) (see Chapter 2, Section XXV), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to an owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status:

- For any hearing required under 24 CFR 982.555(a)(1)(i)–(vi), NHA as the contract administrator will perform the hearing, as is the current standard in the program.
- For any additional hearings required under RAD, the NHA (as owner) will perform the hearing.

An informal hearing will not be required for class grievances or for disputes between residents not involving the NHA (as owner) or contract administrator. This hearing requirement does not apply to and is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the NHA (as owner) or contract administrator.

The owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR 982.555(a)(1)(i)–(vi).

The owner provides an opportunity for an informal hearing before an eviction.

XIV. CHOICE MOBILITY

Choice-Mobility is designed to give every resident in a RAD property housing choice and expanded housing opportunities. Therefore, Choice-Mobility is open to all residents in RAD properties once they have lived in a property for a defined period of time. In RAD properties that have converted to PBV, residents are eligible to request an HCV beginning (and continuing) one year after the conversion of the property (effective date of the HAP contract) or one year after they move into the property, whichever comes later.

Because a family transitioning to a tenant-based voucher continues to be a participant in the HCV program, they are not subject to any screening requirement. The right to a Choice-Mobility voucher does not expire as long as the resident still lives in the property. If a resident is issued a Choice-Mobility voucher but does not ultimately use it to lease a unit on the open market within NHA's prescribed HCV search times, they remain eligible for a Choice-Mobility voucher in the future as long as they continue to live in the same RAD project.

Choice-Mobility Priority List

NHA will create and maintain a Choice-Mobility Priority List for residents who converted to RAD that are interested in exercising their Choice Mobility option. Eligible families requesting Choice-Mobility will be ranked in the order that the requests were received. NHA will give automatic priority for available turnover vouchers to residents of RAD developments before serving the regular HCV waitlist, except for special purpose vouchers that are limited in eligibility.

Removal from the Choice-Mobility List

Families will generally be removed from the Choice-Mobility Priority List if they move out of the RAD project. Families living in the RAD project who happen to be on the regular HCV waitlist are allowed to request a Choice-Mobility voucher if eligible to remain on both lists. If the family moves out of the RAD unit, they would be removed from the Choice-Mobility Priority List but could remain on the regular HCV waitlist.

Turnover Cap

While Choice-Mobility is a cornerstone of RAD policy, it remains important for NHA to still be able to issue tenant-based vouchers to families on their regular HCV waitlist. In order to balance requests for RAD Choice-Mobility and their regular HCV program, NHA has established a turnover voucher inventory cap as permitted by HUD.

NHA shall not provide more than 75 percent of its turnover vouchers in any single year to residents requesting Choice-Mobility. If there are any remaining households from RAD PBV properties that could not receive a voucher as a result of this limitation, they would be first on the list on the next round of vouchers, as their date of request should be at the top of the list.

Chapter 8: Records Management

I. Records Management

NHA, at a minimum, will retain the last three years of the form HUD–50058, the executed lease, and HAP contract, as well as other supporting documentation, during the term of each assisted lease, and for a period of at least 3 years from the end of participation (EOP) date, to support billings to HUD and to permit an effective audit. Electronic retention of form HUD–50058 and supporting documentation, where applicable, fulfills the record retention requirement under this section.

In addition, NHA will keep the following records for at least three years:

- An application from each ineligible family and notice that the applicant is not eligible or has withdrawn
- Lead-based paint records as required by 24 CFR 35, Subpart B
- Documentation supporting the establishment of the rent calculation including the rent reasonableness study.
- Documentation supporting the establishment of utility allowances and surcharges
- Accounts and other records supporting the NHA budget and financial statements for the program
- Other records as determined by NHA or as required by HUD
- All applicant and participant information will be kept in a secure location and access will be limited to authorized NHA staff and or its contractors.
- NHA staff/contractors will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Upfront Income Verification Records Management

NHA ensures that all UIV/EIV data is protected in accordance with federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification (UIV) Data* and related PIH Notices.

Criminal Records Management

Criminal conviction records received by NHA from a law enforcement agency may only be used for the following purposes:

- NHA screening of applicants for admission to the HCV program (section 8 tenant-based assistance)
- NHA screening of applicants for admission to the Section 8 moderate rehabilitation program
- Section 8 project-based certificate or project-based voucher program

- NHA screening concerning criminal conviction of applicants for admission to Section 8 project-based assistance, or at the request of the owner for enforcement of leases by a Section 8 project owner and eviction of residents by a Section 8 project owner

Criminal conviction records received by a PHA from a law enforcement agency under this section may not be used for lease enforcement or eviction of residents receiving Section 8 tenant- based assistance.

NHA may disclose the criminal conviction records which the PHA receives from a law enforcement agency only as follows:

- To officers or employees of the PHA
- To authorized representatives of the PHA who have a job-related need to have access to the information
- To an owner of a project-based unit for use in connection with judicial eviction proceedings [24 CFR 5.903(e)]

NHA has an established system of records management that ensures that any criminal or sex offender records received by NHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to NHA's action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

This requirement does not apply to information that is public information or is obtained by a PHA other than under 24 CFR 5.905.

Medical/Disability Records Management

NHA will not inquire about the nature or extent of a person's disability. NHA will not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If NHA receives a verification document that provides such information, NHA will destroy or block out any information containing the nature or extent of a person's disability. In place of the confidential information, NHA may note in the file that verification was received including the name and address of the knowledgeable professional who provided the information.

Termination Records Management

A written record of every participant termination shall be maintained by NHA, and shall contain the following information:

- Name of resident, race and ethnicity, number and identification of apartment occupied
- Copy of the Notice of Participant Termination
- For terminations related to HCV program violations, copies of any occurrence reports, lease violation notices, or other appropriate

documentation of the underlying facts surrounding the incident that is the subject of the rules violation

- Copy of any repayment agreements
- Copy of any settlement orders
- Copy of any post-judgment agreements

Record Retention USCIS Appeals

NHA will retain for a minimum of 5 years the following documents that may have been submitted to NHA by the family, or provided to NHA as part of an USCIS appeal or NHA informal hearing process [24 CFR 5.514(h)]:

- The application for assistance
- The form completed by the family for income recertification
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- A copy of the letter scheduling the hearing
- The final informal hearing decision
- All documents and evidence that resulted in the original determination
- A copy of the notice of the original determination

If the reason for rejection involved the criminal history of any family member, the criminal history will be shredded and replaced with a notice containing the outcome of the criminal record check.

Chapter 9: Interpretation and Amendment

I. Interpretation

The policies set forth herein shall be interpreted, implemented and acted upon in relation to the laws of the United States and the State of New Jersey, and all rules, regulations and policies enacted, enforced or promulgated by the United States Department of Housing and Urban Development, all of which shall take precedence over the Policies and Procedures described in this Administrative Plan and all of which are incorporated herein by reference and all current rules, regulations and policies, including, but not limited to, Income Limits, Utility Schedules and Fair Market Rents, shall be in accordance with Federal law.

II. Amendment

The policies outlined herein shall be amended only by resolution adopted by the affirmative vote of the NHA Board upon recommendation by NHA. No action shall be required to make changes required by laws of the United States or the State of New Jersey or any rules, regulations and policies enacted, enforced, or promulgated by the United States Department of Housing and Urban Development, all of which shall take precedence over the herein expressed Policies, and all of which are incorporated herein by reference. The NHA Board of Commissioners will be notified of any subsequent changes that may be effective through new federal regulations.

Emergency Housing Vouchers (EHVs) Policy Addendum

Background

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L.117-2) into law, which provides over \$1.9 trillion in relief to address the continued impact of the COVID-19 pandemic on the economy, public health, state and local governments, individuals and businesses. Section 3202 of the ARP appropriated \$5 billion for the creation of emergency housing vouchers (EHVs), their administration and renewal, and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and enumerated the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program. The NHA was awarded 101 vouchers under the EHV program.

The general requirements of the HCV program apply to EHVs unless specifically stated and addressed by this addendum and as required under federal statute and HUD requirements.

This addendum describes NHA policies for administering EHVs. The policies outlined in this part are organized as follows:

- Part I: Partnering Agencies
- Part II: EHV Qualification
- Part III: Waiting List Management
- Part IV: Family Screening and Eligibility
- Part V: Housing Search and Leasing
- Part VI: Services Offered by the NHA
- Part VII: Use of Funds, Reporting, and Financial Records

I. Partnering Agencies

Continuum of Care (CoC)

The NHA has entered into a Memorandum of Understanding (MOU) with the Essex County CoC. See Exhibit A for a copy of the MOU.

Other Partnering Organizations

In addition to the Essex County CoC, NHA has also entered into an MOU with the Essex County Family Justice Center (ECFJC) (see Exhibit B), and the following service providers who are indicated as third parties in the Essex County CoC MOU:

- City of Newark, Office of Homeless Services

REFERRALS

CoC and Partnering Agency Referrals

The primary responsibility of the CoC, ECFJC, and any other partnering agency under MOU with the NHA is to make direct referrals of qualifying individuals and families to NHA. NHA must generally refer a family that is seeking EHV assistance directly from the NHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. The CoC and ECFJC are responsible for determining whether the family qualifies under one of the four eligibility categories for EHV. The CoC, ECFJC, or other direct referral partners must provide supporting documentation to the NHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

The CoC/ECFJC/partnering agency must establish and implement a system to identify EHV eligible individuals and families within the agency's caseload and make referrals to the NHA. The CoC/ECFJC/partnering agency must certify that the EHV applicants they refer to the NHA meet at least one of the four (4) EHV eligibility criteria. The NHA will maintain a copy of the referral and/or certification form from the CoC in the participant's file along with other eligibility paperwork. Homeless service providers are required to use the certification form found in Exhibit C of this Plan. Victim services providers may, but are not required to, use the certification form found in Exhibit D when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, the NHA and CoC/ECFJC/partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC/ECFJC/partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

The NHA liaison responsible for acceptance of referrals will contact the

CoC/ECFJC/partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five (5) business days from the date CoC/ECFJC/partnering agency receives this notification, the CoC/ECFJC/partnering agency will provide the NHA with a completed package of the referred individual or family to include the necessary EHV application, required documentation (residency, SS cards, income, etc.) a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

Offers of Assistance without CoC Referral

The NHA may make an EHV available without a referral from the CoC in order to facilitate an emergency transfer under VAWA in accordance with the NHA's Emergency Transfer Plan (ETP).

The NHA must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the NHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing or attempting to flee, domestic violence, dating violence, sexual assault, or stalking.

If at any time the NHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC (or the NHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the NHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

II. EHV Qualifications

The CoC/ECFJC/partnering agency determines whether the individual or family meets any one of the four (4) eligibility criteria described in HUD Notice PIH 2021-15 and then refers the family to the NHA. NHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

Referring Agency Determination of Eligibility

In order to be eligible for an EHV, an individual or family must meet one of (4) four eligible criteria.

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in

HUD Notice PIH 2021-15.

As applicable, the CoC/ECFJC/partnering agency must provide documentation to the NHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The NHA must retain this documentation as part of the family's file.

III. Waiting List Management

HCV Waiting List

The NHA must inform families on the HCV waiting list of the availability of EHV by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in HUD Notice PIH 2021-15.

The NHA will post information about the EHV program for families on the NHA's HCV waiting list on its website. The notice will:

- Describe the eligible populations to which EHV are limited
- Clearly state that the availability of these EHV is managed through a direct referral process
- Advise the family to contact the CoC/ECFJC/partnering agency if the family believes they may be eligible for EHV assistance

The NHA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with fair housing as described in this Administrative Plan. The NHA will also take reasonable steps to ensure meaningful access for persons with limited English Proficiency (LEP) in accordance with this Plan.

EHV Waiting List

The HCV regulations requiring the NHA to operate a single waiting list for admission to the HCV program do not apply to NHA's operating the EHV program. NHA must maintain a separate waiting list for EHV referrals when the number of applicants referred by the CoC exceeds the EHV available. This applies both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Additionally, the EHV waiting list is not subject to NHA policies in Chapter II of the HCVP Administrative Plan regarding opening and closing the HCV waiting list. The NHA will work directly with its CoC/ECFJC/partnering agency to manage the number of referrals and the size of the EHV waiting list.

PREFERENCES

HCV Waiting List Preferences

The local preferences established by the NHA for the HCV program do not apply to EHV. However, if the NHA has a homeless preference or a VAWA preference

for the HCV waiting list, the NHA must adopt additional policies related to EHVs in accordance with HUD Notice PIH 2021- 15.

NHA will refer any applicant on the waiting list that indicates they qualify for the homeless preference to the CoC. The CoC will determine whether the family is eligible for an EHV (based on the qualifying definition for EHV assistance for homelessness or another eligible category as applicable). The CoC will also determine if the family is eligible for other homeless assistance.

The NHA has not adopted any additional preferences for the EHV waiting list.

IV. Family Screening and Eligibility

NHA Screening Overview

HUD waived 24 CFR 982.552 and 982.553 in part for EHV applicants and established alternative requirements for mandatory and permissive prohibitions of admissions. Except where applicable, NHA policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in HUD Notice PIH 2021-15 and in this addendum, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court- awarded custody of a child, the NHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

Mandatory Denials

While the NHA will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, the NHA will first notify the family of the limited EHV grounds for mandatory denial of admission as part of the briefing packet that will be given to each applicant family.

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

NHA Permissive Denials

HUD Notice PIH 2021-15 lists permissive prohibitions for which the NHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

In consultation with the CoC, the NHA will apply permissive prohibition to the screening of EHV applicants. Determinations using permissive prohibitions will be made based on an individualized assessment of relevant mitigating information in accordance with policies in Chapter 2 of this Administrative Plan.

The NHA will establish the following permissive prohibitions:

- If the NHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:
- Violent criminal activity
- Other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity
- If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the previous 12 months.
- If the family engaged in or threatened abusive or violent behavior toward NHA personnel within the previous 12 months.

The NHA will also deny assistance to household members already receiving assistance from another program in accordance with Section 9.h. of HUD Notice PIH 2021-15.

Prohibitions based on criminal activity for the eligible EHV populations regarding drug possession will be considered apart from criminal activity against persons (i.e., violent criminal activity).

In compliance with PIH 2021-15, the NHA will not deny an EHV applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing in the last five years;
- A NHA has ever terminated assistance under the program for any member of the family;
- The family currently owes rent or other amounts to the NHA or to another NHA in connection with Section 8 or public housing assistance under the 1937 Act;
- The family has not reimbursed any NHA for amounts paid to an owner

under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

- The family breached an agreement with the NHA to pay amounts owed to a NHA, or amounts paid to an owner by a NHA;
- The family would otherwise be prohibited admission under alcohol abuse standards established by the NHA in accordance with 24 CFR 982.553(a)(3);
- The NHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

INCOME VERIFICATION AT ADMISSION

Self-Certification at Admission

The requirement to obtain third-party verification of income in accordance with HUD Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, NHA may consider self-certification the highest form of income verification at admission. As such, NHA policies related to the verification of income in Chapter 2 do not apply to EHV families at admission. Applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the NHA's request.

Any documents used for verification must be the original (not photocopies) and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents. Any family self-certifications must be made in a format acceptable to the NHA and must be signed by the family member whose information or status is being verified.

NHA will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 2. The NHA will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. NHA may, but is not required to, offer the family a repayment agreement in accordance its policies. If the family fails to repay the excess subsidy, the NHA will terminate the family's assistance in accordance with the policies in Chapter 2.

Recently Conducted Income Determinations

NHA will accept income calculations and verifications from third-party providers or from an examination that the NHA conducted on behalf of the family for

another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

The family certification must be made in a format acceptable to the NHA verified. At the time of the family's annual reexamination the NHA must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and NHA policies in Chapter 2.

EIV Income Validation

Once HUD makes the EIV data available to NHA under this waiver and alternative requirement, the NHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, NHA must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with NHA policies in Chapter II.

If the NHA later determines that an ineligible family received assistance, proper steps will be taken to terminate that family from the program in accordance with Chapter 2.

Social Security Number and Citizenship Status Verification

The NHA will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 2 within 180 days of admission. The NHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC/ECFJC/partnering agency that the family has made a good-faith effort to obtain the documentation.

If the NHA determines that an ineligible family received assistance, the NHA will take steps to terminate that family from the program in accordance with policies in Chapter 2 of the Administrative Plan.

AGE AND DISABILITY VERIFICATION

The NHA will accept self-certification of date of birth and disability status if a

higher form of verification is not immediately available. The certification must be made in a format acceptable to the NHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within ninety (90) days of admission, the NHA will verify the information in EIV or through other third-party verification if the information is not available in EIV. The NHA will note in the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If the NHA determines that an ineligible family received assistance, the NHA will take steps to terminate that family from the program in accordance with policies in Chapter 2 of this Administrative Plan.

INCOME TARGETING

The NHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and NHA policies in Chapter 2 of this Plan; however, income targeting requirements do not apply for EHV families. PHAs may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

The NHA will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

V. Housing Search and Leasing

Initial Voucher Term

All EHV families will have an initial term of 120 calendar days. The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the NHA grants an extension. NHA policies on extensions as outlined in this Administrative Plan will apply.

Housing Search Assistance

The NHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the NHA or through the CoC/Partnering Agency.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and NHA forms; and

- Help expedite the EHV leasing process for the family.

As identified in the MOU between the NHA and CoC/ECFJC, the following housing search assistance will be provided to each EHV family by NHA:

- Conduct owner outreach in accordance with policies in Chapter 2.
- Provide directions to potential units as part of the EHV briefing packet.
- Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter.
- At least every 30 days, conduct proactive check-ins via email and telephone with families who are searching with an EHV and remind them of their voucher expiration date.
- Assign a dedicated landlord liaison for EHV voucher families.

As identified in the MOU between the NHA and CoC/ECFJC, the following housing search assistance will be provided to each EHV family by the CoC:

- Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods.
- Provide transportation assistance to potential units.
- Assist the family with the completion of rental applications and NHA forms.

HQS Pre-Inspections

To expedite the leasing process, HUD has allowed PHAs to pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

NHA will conduct pre-inspections of available units that EHV families may be interested to rent. NHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required inspections or re-inspections.

Initial Lease Term

Unlike in the standard HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the NHA policy in Chapter 2 the Administrative Plan.

Portability

The normal HCV portability procedures and requirements outlined in the Administrative Plan generally apply to EHV. Exceptions are addressed below.

Nonresident Applicants

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Chapter 2.

Billing and Absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHV under its own ACC.

If the EHV family moves under portability to another PHA that administers EHV under its own ACC:

- The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
- If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.

If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

Family Briefing

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

In addition to following NHA policy on briefings, as part of the briefing packet for EHV families, the NHA will include a written notice that the NHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, the NHA will provide interpretation services in accordance with the NHA's LEP plan (See Chapter 2 of the Annual Plan).

Coordination of Services

If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

For EHV families who are exercising portability, when the NHA contacts the receiving PHA, the NHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial NHA may provide to the receiving PHA on behalf of the family.

Services Fee

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or \$1,750, unless the initial PHA and receiving PHA mutually agree to change the \$1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.
- If the receiving PHA administers EHV, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA does not administer EHV, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

Placement Fee/Issuance Reporting Fee

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuance reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

PAYMENT STANDARDS

Payment Standard Schedule

NHA will establish a payment standard at any level between 90 percent and 110 percent of the published FMR for the unit size.

Rent Reasonableness

All rent reasonableness requirements apply to EHV units, regardless of whether NHA has established an alternative or exception EHV payment standard.

Increases in Payment Standards

The requirement that NHA applies increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to EHV. The NHA will not establish an alternative policy on when to apply the increased payment standard.

Payment Standard Decreases

If the NHA changes its payment standard schedule resulting in a lower payment standard amount, during the term of a HAP contract, the NHA will not reduce the payment standard used to calculate subsidy for families under HAP contract while the HAP contract remains in effect.

TERMINATION OF VOUCHERS

After September 30, 2023, the NHA may not reissue EHV when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the NHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

All EHV under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHV that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV to cease leasing any unleased EHV if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

VI. Services Offered by NHA**Overview**

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance

- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses and;
- Other eligible uses such as moving expenses or tenant-readiness services.

Eligible Uses

Eligible uses for service fees include:

Security deposit assistance. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The NHA may pay the security deposit assistance directly to the owner in the event that such assistance is not readily available from a partnering agency or a service provider within the CoC. The amounts will be made on a case-by-case basis at the discretion of the NHA.

Utility deposit assistance/utility arrears. The NHA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The NHA will pay the utility deposit assistance directly to the utility company. The NHA will require the utility supplier or family to return the utility deposit assistance to the NHA at such time the deposit is returned by the utility supplier (less any amounts retained by the utility supplier). In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The NHA may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to the NHA will be used for either services fee eligible uses or other EHV administrative costs, as required by HUD.

Rental arrears to private landlords for admission. The NHA may provide applicants with rental arrear assistance for some or all of the applicant's rental arrears to a private landlord but only if the rental arrear is a barrier to leasing the EHV unit. For example, the EHV family found a landlord, but the landlord will not lease the unit because of the previous rental debt (this may occur if the EHV unit is with the same landlord or management agent). The total amount paid is at the sole discretion of the NHA, and will be paid directly to the private landlord. The NHA may not use the EHV services fee for debts owed by the family to the NHA, another PHA, or a closely-associated entity affiliated with the NHA.

Essential household items. The NHA may use the services fee funding

to assist the family with some or all of the costs of acquiring essential household items. Examples of essential household items may include tableware, bedding, etc.

Renter's insurance if required by the lease. The NHA may use the services fee funding to assist the family with some or all of the cost of renter's insurance, but only in cases where the purchase of renter's insurance is a condition of the lease.

New Owner Incentives. The NHA will offer a one-time \$400 payment to owners new to renting to NHA subsidized tenants. Owners with accessible units or owners that will make the living conditions accessible (interior/exterior structural modifications) for a person with disabilities are also eligible for this one time \$400 incentive.

Moving expenses (including move-in fees, storage expenses, lock change fees, and deposits). The NHA may provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. The NHA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do, or a family has to move due to domestic violence, dating violence, sexual assault, or stalking. Examples of reasons where the family is required to move other than for something the family did or failed to do include the NHA terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit.

Pre-tenancy services and services that support EHV families in fulfilling their family obligations under the EHV program. The NHA may use the services fee funding to help create customized plans to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.

The PHA may also use the services fee funding to mitigate barriers that individual families may face in maintaining occupancy of a unit with an EHV, such as providing access to case management, wrap-around services, life skills training (e.g., balancing a budget, paying bills on time, opening a savings account, maintaining a living space, securing a credit card, paying off debt, etc.), financial stability training, mental health care (e.g., travel costs to counseling, and co-pay charge, etc.), and/or a stability coordinator.

The NHA may also use the services fee for services to remedy a lease violation/prevent an eviction (e.g. rectifying unsanitary living conditions or property damage) and may establish a cap/threshold for this service; this excludes financial assistance for rental/utility arrears. All services and training provided must be voluntary for the family and is not a condition of the lease or an NHA requirement for admission or continued participation in the EHV program. Additionally, the NHA may pay fees for families to obtain vital documents needed to establish eligibility for the program and/or required by landlords as part of their rental application. (e.g., application fees and costs for birth certificates, reasonable transportation costs to obtain social security cards or other documentation needed for eligibility, etc.)

Any services fee assistance that is returned to the NHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in HUD Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the NHA's EHV program ends must be remitted to HUD.

VII. Use of Funds, Reporting, and Financial Records

EHV funds allocated to the NHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the NHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the NHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHV are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHV and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The NHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in HUD Notice PIH 2021-15.

The NHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHV in accordance with the HCV program requirements at 24 CFR 982.158.

EXHIBIT A: Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING - EMERGENCY HOUSING VOUCHERS

This Memorandum of Understanding (MOU) has been created and entered into on July 28, 2021 by and between the following parties in relation to the administration and facilitation of assistance granted under the Emergency Housing Vouchers (EHV) initiative and the requirements of Notice PIH 2021-15.

Newark Housing Authority (NHA) - 500 Broad Street,
Newark, NJ 07102 Newark/Essex County Continuum of Care (CoC)
- 50 South Clinton Street, East Orange, NJ
07018

City of Newark - Office of Homeless Services (OHS) - 110 William
Street, Newark, NJ 07102

I. Statement of Cooperation:

- A. NHA and Newark Essex County CoC's are committed to administering the EHV's in accordance with all program requirements.
- B. NHA goals are to:
 - 1. Administer 100% of the EHV allocation for families spanning the range of the four eligibility criteria determined by HUD in partnership with the CoC, additional partnering agencies, and utilizing NHA's emergency transfer process.
 - 2. Provide housing search assistance that leads to successful lease-ups for eligible applicants.
 - 3. Provide additional support to eligible applicants in select forms permitted by HUD, and using the funds provided by HUD.
 - 4. Perform outreach/marketing to Property Owners within the City of Newark and neighboring jurisdictions.
 - 5. Place eligible applicants in approved units prior to the initial expiration date of their voucher.

6. Survey eligible applicants to determine areas in the process that require adjustment or improvement.
 7. Conduct Quality Assurance and Quality Control activities on 100% of EHV case files.
- C. Identification of staff position at the Newark Housing Authority, Essex County Essex County CoC, and the City of Newark - Office of Homeless Services who will serve as the lead FYI liaisons.

Lead EHV Liaison:

Name and title of the Newark Housing Authority staff position:

Pia Amos, Sr. Housing Development & Compliance Officer

Name and title of the Newark/Essex County CoC staff position:

Michael Woods, Coordinated Entry Manager

Name and title of the City of Newark-Office of Homeless Services staff position:

Sakinah Hoyte, Homelessness Czar

II. **EHV Eligibility Requirements**

A. Eligibility for these EHV is limited to individuals and families who are:

- A. Homeless;
- B. At-risk of homelessness
- C. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or
- D. Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

Verification that the individual or family meets one of these four eligibility categories is conducted by the Newark/Essex County CoC or another partnering agency that makes direct referrals to the NHA.

The Newark Essex County CoC or other direct referral partner will provide the following documentation to the NHA as verification that the referred family meets one of the four eligible

categories for EHV assistance:

1. Homeless Certification;
2. Human Trafficking Certification; or
3. Certification for Survivors of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and/or Human Trafficking

III. Supportive Services

Partnering service providers may provide the following supportive services for a minimum period of 12 months to individuals and families assisted through this program.

- A. Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation, and access to health care (e.g., doctors, medication, and mental and behavioral health services).
- B. Partnering service providers may assess and refer individuals and families to benefits and supportive services, where applicable.
- C. Partnering service providers may support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.
- D. Partnering service providers may support NRA in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the NHA.
- E. Partnering service providers may provide housing search assistance for eligible individuals and families.
- F. Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance/referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
- G. Providing such assurances to owners of rental property as are reasonable and necessary to assist eligible individuals and families to rent a unit with a voucher.

IV. NRA Roles and Responsibilities

- A. Accept direct referrals for eligible individuals and families through the Essex County CoC Coordinated Entry (CE) System.

- B. Coordinate and consult with the Newark Essex County CoC in developing the services and assistance to be offered under the EHV services fee.
- C. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.
- D. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.
- E. Designate a staff to serve as the lead EHV liaison.
- F. Comply with the provisions of this MOU.

V. Newark- Essex County CoC Roles and Responsibilities

- A. Designate and maintain a lead EHV liaison to communicate with the NHA.
- B. Refer eligible individuals and families to NHA using the community's coordinated entry system.
- C. Support eligible individuals and households in completing and applying for supportive documentation to accompany admissions application to the NHA (i.e. self-certifications, birth certificate, social security card, etc.).
- D. Assess all households referred for EHV for mainstream benefits and supportive services available to support eligible individuals and families through their transition.
- E. Identify supportive services suitable for EHV families. (While EHV participants are not required to participate in services, the Newark Essex County CoC should assure that services are available and accessible.)
- F. Comply with the provisions of this MOU.

VI. Third-Party Responsibilities

A. **The City of Newark - Office of Homeless Services** will be responsible for the following activities:

1. Define and integrate the prioritization and referral process for eligible individuals and families into the third-party or Newark Essex County CoC's coordinated entry process.
2. Prioritize families with individuals with mentally disabling condition from the COC coordinated entry list.
3. Prioritize most chronically homeless in low-barrier City of Newark shelters.
4. Identify services to be provided using third party or CoC program funds to youth who qualify for third-party or CoC program assistance.
5. Make referrals of eligible individuals and families to the Newark Housing Authority and CoC.

VII. Program Evaluation

The NRA, and CoC or designated CoC recipient agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

Signed By:



7-29-2021

Executive Director, Newark Housing Authority

Date

Michael Woods

7-29-21

Coordinated Entry Manager, Newark/Essex County CoC

Date

Sakinah Hoyte

7/29/2021

Homelessness Czar, City of Newark- Office of Homeless Services

Date

EXHIBIT B: Memorandum of Understanding
MEMORANDUM OF UNDERSTANDING – EMERGENCY HOUSING
VOUCHERS

This Memorandum of Understanding (MOU) has been created and entered into on July 28, 2021 by and between the following parties in relation to the administration and facilitation of assistance granted under the Emergency Housing Vouchers (EHV) initiative and the requirements of Notice PIH 2021-15.

Newark Housing Authority (NHA) - 500 Broad Street, Newark, NJ 07102

Essex County Family Justice Center (FJC) – 465 Dr. Martin Luther King Jr. Blvd., Newark, NJ 07102

I. Statement of Cooperation:

- A. The ECFJC was established in 2010 as the first Family Justice Center in New Jersey to provide comprehensive services for victims of domestic violence by co-locating multidisciplinary professionals in one facility.
- B. NHA and the Essex County Family Justice Center (ECFJC) are committed to administering the EHV's in accordance with all program requirements.
- C. NHA goals are to:
 - 1. Administer 100% of the EHV allocation for families spanning the range of the four eligibility criteria determined by HUD in partnership with the CoC, additional partnering agencies, and utilizing NHA's emergency transfer process.
 - 2. Provide housing search assistance that leads to successful lease-ups for eligible applicants.
 - 3. Provide additional support to eligible applicants in select forms permitted by HUD, and using the funds provided by HUD.
 - 4. Perform outreach/marketing to Property Owners within the City of Newark and neighboring jurisdictions.
 - 5. Place eligible applicants in approved units prior to the initial

expiration date of their voucher.

6. Survey eligible applicants to determine areas in the process that require adjustment or improvement.
7. Conduct Quality Assurance and Quality Control activities on 100% of EHV case files.

D. Identification of staff position at the Newark Housing Authority, Essex County Family Justice Centers who will serve as the lead liaisons.

Lead EHV Liaison:

Name and title of the Newark Housing

Authority staff position: Pia Amos, Sr.

Housing Development & Compliance

Officer

Name and title of the Essex County Family Justice Center staff position:

Anjali Mani, Program Coordinator

II. EHV Eligibility Requirements

A. Eligibility for these EHV's is limited to individuals and families who are:

1. Homeless;
2. At-risk of homelessness
3. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or
4. Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

Verification that the individual or family meets one of these four eligibility categories is completed by the FJC or another partnering agency that makes direct referrals to the NHA.

The FJC or other direct referral partner must provide supporting documentation to the NHA of the referring agency's verification

that the family meets one of the four eligible categories for EHV assistance. The FJC will provide the following with each referral:

1. Certification for Survivors of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and/or Human Trafficking

III. Supportive Services

ECFJC and its partner agencies will provide the following supportive services to individuals and families assisted through this program.

- A. Crisis intervention
 - B. Risk assessment and enhanced safety planning
 - C. Assistance with filing for an emergency Temporary Restraining Order (TRO)
 - D. Assistance from law enforcement professionals
 - E. Assistance from the Essex County Prosecutor's Office of Victim-Witness Advocacy
 - F. Support groups and counseling
-
- G. Civil legal and immigration assistance
 - H. Medical and behavioral health screenings and linkages to service providers.

IV. NHA Roles and Responsibilities

- A. Accept direct referrals for eligible individuals and families through ECFJC.
- B. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.
- C. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.
- D. Designate a staff to serve as the lead EHV liaison.
- E. Comply with the provisions of this MOU.

V. Essex County Family Justice Center Roles and Responsibilities

- A. Establish a point of contact with the NHA for the purpose of supplying a referral letter from ECFJC.
- B. Conduct initial intake and risk assessment utilizing the Danger Assessment Instrument (DAI), an evidence-based assessment tool developed to help women learn about their risk of danger

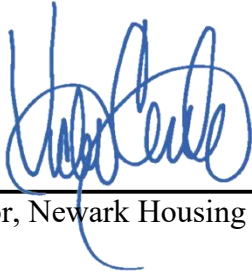
and future homicide.

- C. Link victims with onsite partner agencies for multidisciplinary services as needed and requested.
- D. Obtain written, informed consent to provide agencies that the victim elects to meet with demographic information and the DAI scores. Partner agencies then conduct their own intake as guided by agency practice and initiate service delivery.
- E. Victims of domestic violence who reside in Newark and are in need of housing assistance will be referred to the Newark Housing Authority (NHA) to apply for assistance under the Emergency Housing Voucher (EHV) initiative.
- F. Comply with the provisions of this MOU.

VI. Program Evaluation

The NHA, and ECFJC agree to cooperate with HUD, provide requested data to HUD or HUD- approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

Signed By:



Executive Director, Newark Housing Authority

7-29-2021

Date



Executive Director, Essex County Family Justice Center

7/27/

21

Date

EXHIBIT C: Example of a Homeless Provider's Certification

Emergency Housing Voucher (EHV)

HOMELESS CERTIFICATION

EHV Applicant Name: _____

- ☐ Household without dependent children (complete one form for each adult in the household)
- ☐ Household with dependent children (complete one form for household) Number of persons in the household: _____

This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation-

Check only one box and complete only that section

Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)

- ☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or camp ground.

Description of current living situation:

Homeless Street Outreach Program
Name: _____

This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.

Authorized Agency Representative Signature: _____
Date: _____

Living Situation: Emergency Shelter

- ☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name: _____

This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).

Authorized Agency Representative Signature: _____
Date: _____

Living Situation: Recently Homeless

- ☐ The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (ex. Households in Rapid Rehousing Programs, residents of Permanent Supportive Housing Programs participating in Moving On, etc.)
Authorized Agency Representative Signature: _____

This referring agency must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

☐

emergency shelter ☐ OR a place unfit for human habitation

Authorized Agency Representative Signature: _

_____ Date: _

EXHIBIT D: EHV Certification of VAWA

Emergency Housing Voucher (EHV)

SAMPLE CERTIFICATION FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND/OR HUMAN TRAFFICKING

Purpose of Form:

The Violence Against Women Act ("VAWA") 2013 protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other federally-funded social service programs available to assist victims in rebuilding their lives.

Use of This Optional Form:

Service providers may utilize this form to certify a family's eligibility for EHV to document households who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, and/or human trafficking. In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for HUD's Emergency Housing Voucher.

Confidentiality:

All information provided during the referral process concerning the incident(s) of domestic violence, dating violence, dating violence, sexual assault, stalking, and human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of the PHA will not have access to these details, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED ON BEHALF OF SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND/OR HUMAN TRAFFICKING

EHV Applicant Name: _____

The applicant named above is a survivor of (please check from the list all that apply):

- ☐ Domestic Violence
- ☐ Dating Violence

- ☐ Sexual Assault
- ☐ Stalking
- ☐ Human Trafficking

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

This certifies that the above named individual or household meets the definition for persons who are fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking and/or human trafficking under section 107(b) of the Trafficking Victims Protection Act of 2000. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Authorized Agency Representative Signature:___

APPENDIX 1: Glossary

Absorption

The point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA assists the family fully from funds from its consolidated ACC.

Accessible

The facility or portion of the facility can be approached, entered, and used by individuals with physical handicaps.

Administrative Plan

The plan that describes PHA policies for administration of all Section 8 programs administered. The Administrative Plan and any revisions must be approved by the PHA's Board and included as a supporting document to the Annual PHA Agency Plan. See §982.54.

Admission

The point at which an applicant or special admissions family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract.

Adult

A household member who has reached the age of legal majority in the State of New Jersey (18 years old) or a head, co-head, or spouse, under the age of eighteen (18) who has executed the appropriate emancipated adult form.

Allowance for Dependents

\$480 for each dependent, which amount will be adjusted annually in accordance with a commonly recognized inflationary index, as determined by HUD, rounded to the next lowest multiple of \$25.

Allowance for Disability Assistance Expenses

The amount of Disability Assistance Expense in excess of three (3) percent of annual income which enables a family member (including the disabled person) to work. The allowance may not exceed the annual income earned by the family member who is enabled to work. Disability assistance expenses include costs for care attendants and auxiliary apparatus (e.g., wheelchairs, adaptations, to vehicles, special equipment) if directly related to permitting the disabled person or other family members to work.

Allowance for Medical Expenses

For Elderly and Disabled Families (see definition of Elderly Family) the amount of medical expenses (see definition of Medical Expenses).

Annual Income

All amount not specifically excluded in 5.609 9 (b) received from all sources by each member of the family who is 18 years of age or older or is the head of household or

spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age. Family income for initial occupancy assistance and interim reexaminations will be estimated for the upcoming 12-month period using current income, and income based on the prior year (defined by HUD as the previous 12-months) will be used when conducting annual reexaminations for continued occupancy assistance. When the cash value of a family's assets is greater than \$50,000, the annual income derived from assets shall be the greater of the actual income derived or the imputed income computed at the passbook savings rate determined by HUD.

Applicant

A person who has completed a pre-application or application for NHA for housing assistance.

Application

The full, formal and complete family information form signed by the head of household when the family is invited for an interview before a vacant apartment is anticipated. The applicant's signature on the application form certifies that all information provided is complete and accurate.

Assets

See Net Family Assets

Budget Authority

An amount authorized and appropriated by the Congress for payment to PHAs under the Voucher program. Budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of each individual funding increment.

Certification

To formally confirm the information provided in a document through electronic or written signature.

Child

A child is defined as a minor.

Child Care Expenses

Amounts anticipated to be paid by the family for the care of children under 13 years of age (including foster children) 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. The amount deducted shall reflect reasonable charges for childcare, and in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

Citizen

Defined as a citizen or national of the United States.

Co-Head of Household

A household member who shares equal responsibility for the lease with the head of household. A family may have a co-head or spouse, but not both. A co-head is never considered a dependent. The co-head must have legal capacity to enter into a lease.

Consent Form

Any consent form approved by HUD to be signed by program applicants and participants allowing NHA to obtain income information, including data from employers, state wage information collection agencies (SWICAs), the Social Security Administration, and the Internal Revenue Service. Consent forms have expiration dates and may authorize the collection of additional information to determine eligibility or level of benefits.

Continuously Assisted

An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance or was receiving assistance in the past 90 days under any 1937 Housing Act program when the family is admitted to the Voucher Program.

Dating Violence

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

Dependent

A member of the household (excluding foster children and foster adults) other than the family head, co-head or spouse, who is under 18 years of age, is a Disabled Person, or is a Full-time Student.

Disabled Family

A family with one or more members who is a Disabled Person.

Disabled Person

A person is considered disabled if one of the following definitions is met.

- Has a disability, as defined in 42 U.S.C. 423;
- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and, is of such nature that the ability to live independently could be improved by more suitable housing conditions; and
- Has a developmental disability as defined in 42 U.S.C. 6001. A developmental disability is a severe, chronic disability which:

- Is attributable to a mental and/or physical impairment;
- Was manifested before the age of 22;
- Is likely to continue indefinitely;
- Results in substantial functional limitations in three or more of the following areas:
 - capacity for independent living;
 - self-care;
 - receptive and expressive language;
 - learning; mobility;
 - self-direction; and
 - economic self-sufficiency;
 - Requires special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned or coordinated; and
 - Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

Section 223 of the Social Security Act defines disability as an inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or, for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.

No individual shall be considered a person with disabilities, for the purpose of eligibility for Housing Choice Voucher assistance, on the basis of any drug or alcohol dependence.

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

Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Drug-related Criminal Activity

Please refer to definition located at 42 U.S.C 1437 f (f)(5).

Drug-Trafficking

The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Elderly Family

An elderly family is a family whose head, co-head, spouse or sole member is a person who is 62 years of age or older. It may include two or more Elderly Persons living together, or one or more such persons living with one or more persons who are determined to be essential to their care or well-being.

Elderly Person

An elderly person is a person who is at least 62 years of age.

Eviction

The dispossession of the tenant by the unit owner (in accordance with a court order) 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 to fulfill the tenant obligations set forth in HUD regulations, Federal, and New Jersey law, or for other good cause.

Eligible for Portability

Families whose head of household, co-head or spouse live and/or work in the NHA jurisdiction at the time of application.

Extremely Low-Income Family

A very low-income family whose income does not exceed the higher of 30 percent of the area median income or the federal poverty level.

Seventy-five percent of new admissions during the year must qualify as extremely low-income families.

Fair Housing Act

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Family

A person or group of persons, as determined by the NHA consistent with 24 CFR 5.403, approved to reside in a unit with assistance under the program. See discussion of family composition at section 982.201-C.

Family Composition

See definition of "family" in 24 CFR 5.403

Family Rent to Owner

The amount paid by the family calculated by subtracting the amount of the housing assistance payment to the owner from contract rent.

Family Share

The family share is the portion of rent and utilities paid by the family.

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.

HUD

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

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.

Housing Assistance Payments (HAP) Contract

A written contract between the PHA and an owner of rental housing that allows the PHA to make housing assistance payments to the owner on behalf of an eligible family.

Housing Quality Standards (HQS)

The HUD minimum quality standards for housing assisted under HUD's tenant-based programs. These standards are being redefined to be synonymous with 24 CFR 5 subpart G, and transitioned to National Standards of the Physical Inspection of Real Estate (NSPIRE-V).

USCIS/DHS

U.S. Citizenship and Immigration Services now part of the Department of Homeland Security.

Immediate Family Member

With respect to a person (A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (B) any other person living in the household of that person and related to that person by blood or marriage.

Lease

A lease is a written agreement between the family and the owner of a housing unit.

Live-in Aide

A person who resides with someone who is age 50 or older, or disabled, and who: Is determined by NHA to be essential to the care and well-being of the person(s); Is not obligated for support of the person(s); and 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 tenant family.

Local Preference

A waiting list selection preference established by NHA to meet local housing needs. A preference assigns a level of admission priority to a specified applicant group(s). Family eligibility for a claimed preference is verified after selection from the waiting list.

Low (Lower) Income Families

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

Medical Expenses

For elderly and disabled families, 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.

Minor

A minor is a member of the family household other than the family head, co-head or spouse, who is under 18 years of age.

Mixed Family

A mixed family is a family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

Monthly Adjusted Income

Monthly adjusted income is one twelfth of Annual Adjusted Income.

Monthly Income

Monthly income is one twelfth of Annual Income.

NHA

The Newark Housing Authority.

National

A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession or naturalized citizen.

National Standards for the Physical Inspection of Real Estate (NSPIRE-V)

Inspection standards replacing Housing Quality Standards (HQS) effective October 1, 2025.

Near-Elderly Family

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

Near-Elderly Person

A non-elderly person is at least 50 years of age but below the age of 62.

Net Family Assets

Value of equity in real property, savings, stock, bonds, life insurance policies, and other forms of capital investment, excluding interests in Indian trust land (The value of necessary items of personal property such as furniture and automobiles is 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, NHA shall include the value of any assets greater than one thousand dollars (\$1000) which were disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of any consideration received for the asset.

Assets do not include:

- The combined value of all non-necessary items of personal property with a total combined value of \$50,000 or less as adjusted annually by inflation.
- The value of any account under a retirement plan recognized as such by the IRS, including IRAs, employer retirement plans and retirement plans for self-employed individuals.
- The value of real property that the family does not have the effective legal authority to sell in the jurisdiction where the property is located.
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability;
- The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under

section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any “baby bond” account created, authorized, or funded by Federal, State, or local government.

- Interest in Indian trust land
- Equity in a manufactured home where the family receives assistance under 24 CFR 982.
- Equity in property under the Homeownership option for which a family receives assistance under 24 CFR 982.
- FSS accounts.
- Federal Tax Refunds or refundable tax credits for a period of 12 months after receipt by the family.

Newark Resident

Any applicant who lives within the City of Newark at the date of filing an application for housing assistance. This definition also includes applicants who are working or who have been notified that they are hired to work within the City of Newark.

Non-elderly person with disabilities

Non-elderly person with disabilities (for purposes of determining eligibility):

A person 18 years of age or older and less than 62 years of age, and who:

- Has a disability, as defined in 42 U.S.C. 423;
- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration;
 - Substantially impedes his or her ability to live independently, and
 - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- Has a developmental disability as defined in 42 U.S.C. 6001.

Person with disabilities (for purposes of civil rights): see 24 CFR § 8.3; as amended by the 8 of 34 ADA Amendments Act of 2008; 24 CFR § 100.201; 28 CFR §§ 35.104, 108)

Overcrowded Household

A participant family with an insufficient number of bedrooms for the number of persons in the family, according to the HQS defined in the regulations.

Overhoused Household

A participant family with a greater number of bedrooms than required (per occupancy standards) for the family members.

Payment Standards

The maximum monthly assistance payment for a family assisted in the Housing Choice Voucher Program (before deducting the total tenant payment by the family). Each Payment Standard amount adopted by NHA is not less than 90% of the published HCV Fair Market Rent (in effect when the Payment Standard is adopted) for the unit size and is not more than 110% of the Fair Market Rent or HUD approved community-area exception rent.

Portability

Renting a dwelling unit with Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

Pre-Application

A preliminary application form designed to collect information to determine preliminary eligibility for placement on the waiting list.

Re-Certification

The process of securing documentation to re-compute rent and subsidy and to determine that participants meet the eligibility requirements for continued assistance.

Re-Certification Effective Date

The date established by NHA on which a rent change becomes effective following verification of all income, assets, expenses and circumstances. The anniversary of the first of the month the tenant was assisted under the assistance contract in effect.

Remaining Member of the Tenant Family

A person left in an assisted unit after other family members have vacated. The person must be of legal age to sign a contract (adult). A live-in aide, foster children, and foster adults do not qualify as the remaining member of a tenant family.

Rent - (for determining eligibility based on Federal preference)

The actual amount due, calculated on a monthly basis, under a lease or occupancy agreement between a family and the family's current landlord; and, in the case of utilities purchased directly by tenants from utility providers, either:

- NHA's reasonable estimate of tenant-purchased utilities (except telephone and cable TV) and the other housing services that are normally included in the rent; or
- If the family chooses, the average monthly payments that it actually made for these utilities and services for the most recent 12-month period, or if information is not obtainable for the entire period, for an appropriate recent period.

Resident

See Newark Resident.

Sexual Assault

Any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Single Person

A person who lives alone or intends to live alone.

Spouse

The husband or wife of the head of household or authorized household member.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1. Fear for the person's individual safety or the safety of others, or 2. Suffer substantial emotional distress.

Temporary Deferral of Termination of Assistance

A specific period of time in which the family would continue to receive full assistance before assistance is terminated.

Total Family Income

Annual Income as defined above.

Total Tenant Payment

An amount equal to 30 percent of the family's monthly-adjusted income or 10 percent of the gross monthly income of the family occupying the dwelling unit, whichever amount is greater. The Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges.

Utility Allowance

An amount determined by NHA as an allowance for the cost of utilities (except telephone and cable TV) payable by the tenant.

Utility Reimbursement

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

Very Low-Income Family

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

Welfare Assistance

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

APPENDIX 2: Project-Based Voucher Site Information

Property	Location	Zip	Business Phone
Georgia King Village	200 & 250 Georgia King Village	07107	973.622.6828
Georgia King Village Outparcel	200 Georgia King Village	07107	973.622.6828
Clinton Hill Gardens	201 West Runyon	07108	973.242.5530
Pacific Apartments	10 Dawson Street	07105	973.589.3827
St. James AME	440 Washington Avenue	07102	973.643.3128
Harmony Square	103 Magazine Street	07105	973.491.9494
Wesley Towers	444 Mount Prospect Street	07104	973.484.4441
Newark Genesis Apartments/JBJ Soul Homes	60-68 Mount Pleasant Avenue	07109	973-484-7270
Newark Genesis Clinton Hill Apartments	634 Clinton Avenue	07108	973.799-0456
Newark Genesis III	711 Broadway	07104	973.799.0454
Better Life/New Community	101 14 Avenue	07103	973.674.2541
Montgomery Heights	671 MLK Blvd.	07103	973.623.2786
Aston Heights	685 MLK Blvd.	07102	973.368.2528
Project Live	465-475 Broadway	07104	973.481.1211
Shalom Towers	75-95 Clinton Avenue	07114	973.624.0260
Rock Properties	368 Broad Street, Suite 2	07104	973.624.0001
Rosebud Episcopal Development	575 North 5th Street	07107	973.744.5410
Roseville Commons	563 Orange Street	07042	973.744.5410
The Plaza at Springfield Village	302-304 Springfield Village	07103	973.744.5410
Telephone Heights	176 Avon Avenue	07108	973.744.5410
The Lantana Apartments	109 Broad Street	07104	973.744.5410
St. Clare's Homes	176 Roseville Avenue	07102	973.643.0400
Baxter Park South, LLC	2 Wellington Way	07103	973.623.7700
Boulevard West	220 Irvine Turner Blvd.	07108	973.272.1368
Lincoln Towers I	79 Lincoln Street	07103	973.900.5463
Lincoln Towers II	89 Lincoln Street	07103	973.900.5463
Spruce Street Seniors/Harrison Park	140 Spruce Street	07108	973.877.0973
Somerset Brownstone	25 Somerset Street	07103	862.350.2400
The Willows at Symphony Hall	395 Hasley Street	07102	973.844.6220
Jelliff Senior Estates	220-230 Jelliff Avenue	07108	973.878.1600
Riverside Arms	14-16 Chester Ave.	07104	973.878.0600
James C. White Manor	516-518 Bergen St.	07108	973.273.6014
Riverside Villas	100 Riverside Ct.	07104	973.273.6151
Stephen Crane Village	1 Stephen Crane Plaza	07107	973.273.6295
Wynona Lipman Gardens	200 Cathedral Ct	07104	973.273.6236