

	<p>PHA Plan Update</p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p>2. Financial Resources:</p> <p>Please see attached file – MHA 5 yr. plan financials</p> <p>3. Rent Determination Policies:</p> <p>MHA utilizes 100% FMR , our payment standards are reevaluated for adequacy annually . MHA considers the success rates of assisted families as its assessment of the adequacy of its payment standard.</p> <p>MHA minimum rent : \$50.00</p> <p>2010 Flat Rents: Our flat rents are determined in accordance with the Section 8 rent reasonableness study of comparable housing, and through a survey of rents listed in the local paper.</p> <p>6.0 Efficiency - \$450.00 One Bedroom - \$550.00 Two Bedroom - \$650.00 Three Bedroom - \$800.00 Four Bedroom - \$900.00 Five Bedroom - \$1,000.00</p> <p>4. Operation Management:</p> <p>Attached, please find a copy of our One Strike and You're Out policy as well as our transfer policy, both have changed since our last annual plan submittal.</p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.</p> <p>Millville Housing Authority , 1153 Holly Berry Court, Millville NJ 08332</p> <p>Please find attached a copy of our Violence Against Women Act (VAWA) policy.</p>
7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.</p> <p><i>(1a) MHA is no longer considering demolition of our 49 unit family complex, Holly Berry Court. We are actively researching redevelopment options</i></p> <p><i>(d) MHA has had an approved Public Housing Homeownership program since 2003.</i></p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p>
8.3	<p>Capital Fund Financing Program (CFFP).</p> <p>X Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p>
9.0	<p>Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p>

Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.**

9.1 Strategy for Addressing Housing Needs

In order to meet the housing needs of our population, the MHA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list. MHA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply.

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

The Millville Housing Authority does advertise in all local area newspapers and makes contact with agencies that serve potentially qualified applicants least likely to apply (e.g., the disabled) to ensure that accessible/adaptable units are offered to applicants who need these types of features.

The MHA will correct situations or procedures that create barriers to equal housing opportunity for all. To permit people with disabilities to take full advantage of the MHA's housing programs and non-housing programs, in accordance with Section 504 and the Fair Housing Amendments Act of 1988, there are requirements, optional actions and prohibitions. MHA **must**, upon request by an applicant or resident with a disability, make structural modifications to its housing and non-housing facilities and make reasonable accommodations in its procedures or practices, **unless** such structural modifications or reasonable accommodations would result in an undue financial and administrative burden on the MHA, or would result in a fundamental alteration to the nature of the program.

Additional Information. Describe the following, as well as any additional information HUD has requested.

(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.

Manage and operate all properties in a safe, timely, and cost effective manner in order to maximize the quality of life of our residents – **Ongoing**

Provide the appropriate services to (1) assist families transition from dependence to independence in the shortest period to time, (2) deter premature institutionalization of our senior population and (3) be more of a viable participant in the community to foster self sufficiency for the disabled – **We have two FSS programs and an Assisted Living program .**

Identify affordable housing needs with the city and cooperate with other city agencies to develop strategies to promote and expand those needs. – **Ongoing**

Pursue and secure alternative income sources to ensure ongoing operations and self sufficiency of our authority. -**Ongoing**

Provide a safe, secure atmosphere for employees that (1) provides opportunities for advancement; (2) encourages employee suggestions and input in decision making; and (3) encourages employment opportunities for community residents. – **Ongoing**

Continue to evaluate MHA's implementation of Property Based Asset Management. – **Ongoing**

(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"

11.0	<p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <ul style="list-style-type: none">(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.(g) Challenged Elements(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)
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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

- (a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm
Note: This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

Part I: Summary	
PHA Name: Millville Housing Authority	Grant Type and Number Capital Fund Program Grant No: NJ39S061150109 Replacement Housing Factor Grant No: Date of CFFP:
FFY of Grant: 2010 FFY of Grant Approval:	

Type of Grant
 Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no:1)
 Performance and Evaluation Report for Period Ending: Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	\$86,000			
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)	\$56,900			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	\$206,596.92			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Part I: Summary						
PHA Name: Millville Housing Authority		Grant Type and Number Capital Fund Program Grant No: NJ39P06150109 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant:2009-2010 FFY of Grant Approval: 2009	
Type of Grant <input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input checked="" type="checkbox"/> Revised Annual Statement (revision no: 1) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report						
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹		
		Original	Revised ²	Obligated	Expended	
18a	1501 Collateralization or Debt Service paid by the PHA	\$221,099.08				
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment					
19	1502 Contingency (may not exceed 8% of line 20)					
20	Amount of Annual Grant:: (sum of lines 2 - 19)	570,596.00				
21	Amount of line 20 Related to LBP Activities					
22	Amount of line 20 Related to Section 504 Activities					
23	Amount of line 20 Related to Security - Soft Costs	\$86,000				
24	Amount of line 20 Related to Security - Hard Costs					
25	Amount of line 20 Related to Energy Conservation Measures					
Signature of Executive Director			Date 9/30/09	Signature of Public Housing Director		
				Date 9/30/09		

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires 4/30/2011

Part I: Summary						
PHA Name/Number Millville Housing Authority		Millville NJ 08332			<input type="checkbox"/> Original 5-Year Plan <input checked="" type="checkbox"/> Revision No: 1	
A.	Development Number and Name	Work Statement for Year 1 FFY 2010_____	Work Statement for Year 2 FFY _2011 _____	Work Statement for Year 3 FFY _2012_____	Work Statement for Year 4 FFY __2013_____	Work Statement for Year 5 FFY __2014_____
B.	Physical Improvements Subtotal	Annual Statement	\$205,531.08	\$204,948.98	\$209,628.20	\$213,819.12
C.	Management Improvements					
D.	PHA-Wide Non-dwelling Structures and Equipment					
E.	Administration		\$56,900	\$56,900	\$56,900	56,900
F.	Other					
G.	Operations		\$86,000	\$86,000	\$86,000	86,000.00
H.	Demolition					
I.	Development					
J.	Capital Fund Financing – Debt Service		\$222,164.92	222,747.02	218,067.80	\$213,876.88
K.	Total CFP Funds					
L.	Total Non-CFP Funds					
M.	Grand Total		\$570,596.00	\$570,596	\$570,596	570,596

Capital Fund Program—Five-Year Action Plan

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires 4/30/2011

Part I: Summary (Continuation)

PHA Name/Number Millville Housing Authority		Millville NJ 08332					<input type="checkbox"/> Original 5-Year Plan	<input checked="" type="checkbox"/> Revision No: 1
A.	Development Number and Name	Work Statement for Year 1 FFY _2010_____	Work Statement for Year 2 FFY ___2011_____	Work Statement for Year 3 FFY __2012_____	Work Statement for Year 4 FFY ____2013__	Work Statement for Year 5 FFY ____2014_____		
	Jaycee Plaza NJ39PO61008	Annual Statement			\$65,000.00			
	Riverview West NJ39PO61002		\$123,000.00	\$51,253.00	\$51,253			
	Riverview East NJ39PO61004		\$63,278.08	\$153,695	\$50,000			
	Ferguson Court NJ39PO61001		\$19,253.00		\$33,375.20			
	Cedarview Court NJ39PO61007							
	Holly Berry Court, Ferguson NJ39PO61001						213819.12	
	Scattered Site NJ39PO61009							

Part II: Supporting Pages – Physical Needs Work Statement(s)						
Work Statement for Year 1 FFY _____	Work Statement for Year __2011____ FFY 2010 -2011____			Work Statement for Year: __2012____ FFY _2011-2012____		
	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost	Development Number/Name General Description of Major Work Categories	Quantity	Estimated Cost
See						
Annual						
Statement	Riverview West			Riverview West		
	Seal brick and open weep holes	all	\$60,000.00	Repair concrete columns and balconies	All	\$51,253.00
	Install CO Detectors in hallways & common areas	All	\$10,000.00	Riverview East		
	Repair concrete columns and balconies	All	\$50,000.00	Repair/ replace fire pump	N/A	\$50,000.00
	Repair duct work on roof	All	\$3,000.00	Repair hot water piping	All	\$53,695.98
	Riverview East			Repair concrete columns and balconies	All	\$50,000
	Seal brick and open weep holes	All	\$60,000.00			
	Repair and upgrade elevator		\$4531.08			
	Ferguson Ct.					
	Remediate Mold in Heater rm. No. 2	N/A	\$8,000.00			
	Clean and tighten all Electrical connections in panels and gears	N/A	\$10,000.00			

Part III: Supporting Pages – Management Needs Work Statement(s)				
Work Statement for Year 1 FFY _____	Work Statement for Year _____ FFY _____		Work Statement for Year: _____ FFY _____	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See				
Annual Statement				
	Subtotal of Estimated Cost	\$	Subtotal of Estimated Cost	\$

Part I: Summary		
PHA Name: Millville Housing Authority	Grant Type and Number Capital Fund Program Grant No: NJ39S061150109 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant: 2009 FFY of Grant Approval:

Type of Grant
 Original Annual Statement **Reserve for Disasters/Emergencies** **Revised Annual Statement (revision no: _____)**
 Performance and Evaluation Report for Period Ending: **Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹	
		Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$61,257			
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	\$659,418			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary						
PHA Name: Millville Housing Authority		Grant Type and Number Capital Fund Program Grant No: NJ39S06150109 Replacement Housing Factor Grant No: Date of CFFP:			FFY of Grant:2009 FFY of Grant Approval:	
Type of Grant						
<input checked="" type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (revision no:)		
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input type="checkbox"/> Final Performance and Evaluation Report				
Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost ¹		
		Original	Revised ²	Obligated	Expended	
18a	1501 Collateralization or Debt Service paid by the PHA					
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment					
19	1502 Contingency (may not exceed 8% of line 20)					
20	Amount of Annual Grant:: (sum of lines 2 - 19)	\$720,675				
21	Amount of line 20 Related to LBP Activities					
22	Amount of line 20 Related to Section 504 Activities					
23	Amount of line 20 Related to Security - Soft Costs					
24	Amount of line 20 Related to Security - Hard Costs					
25	Amount of line 20 Related to Energy Conservation Measures					
Signature of Executive Director			Date			
Signature of Public Housing Director			Date			

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Part II: Supporting Pages								
PHA Name: Millville Housing Authority			Grant Type and Number Capital Fund Program Grant No: NJ39S06150109 CFFP (Yes/ No): Replacement Housing Factor Grant No:			Federal FFY of Grant: 2009		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
NJ061000002								
Ferguson Ct.	Replace all roof shingles	1460	All	\$80,000				
	Upgrade Heater Rooms to current Safety Standards	1460	All	\$25,000				
	Replace water heater with gas-fired unit to gain more capacity	1460	All	\$15,000				
	Remediate Mold in Basement under Building No. 8	1460	All	\$10,000		\$7,909.00	\$7909.00	done
	Upgrade heater rooms No. 8 to current safety	1460	All	\$1,000				
	Replace Boiler exhaust with proper type in Heater Room	1460	N/A	\$500				
Cedarview Ct.	Repair trash enclosures	1460	All	\$10,000				
NJ061000003								
Riverview West	Replace Roofing and Flashings	1460	All	\$100,000				
	Video Inspect and Clean Sanitary Sewer Piping and Risers	1460	All	\$75,000				
	Repair cracks in brick penthouse	1460	N/A	\$9,000				
NJ061000004								
Riverview East	Video Inspect and Clean Sanitary Sewer piping and Risers	1460	All	\$75,000				
	Repair Cracks in brick penthouse	1460	All	\$8,918				

¹ To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

² To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages								
PHA Name: Millville Housing Authority			Grant Type and Number Capital Fund Program Grant No: NJ39S06150109 CFFP (Yes/ No): Replacement Housing Factor Grant No:			Federal FFY of Grant:		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised ¹	Funds Obligated ²	Funds Expended ²	
NJ06100005								
Jaycee Plaza	Replace Roof Flashings	1460	N/A	\$120,000				
	Repair cracks in penthouse brick and block walls	1460	N/A	\$50,000				
	Repair Cracks in penthouse concrete floor	1460	N/A	\$5,000				
NJ061000006								
Maurice View Plaza	Repair / adjust double hung windows, operations and weather stripping	1460	All	40,000				
	Video inspect and cleaning of all sanitary lines	1460	N/A	\$35,000		\$7469.00	\$7469.00	
	Clean roof over pool	1460	N/A.	\$1,000				



ADMISSIONS AND CONTINUED
OCCUPANCY
POLICY

THE HOUSING AUTHORITY OF
THE CITY OF MILLVILLE

P O BOX 803

1153 Holly Berry Lane
Millville New Jersey 08332

Revision #15

ADOPTED FEBRUARY 2009

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(A) Nondiscrimination

Complying with Civil Rights Laws

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the Housing Authority in the way it carries out its programs. It is the policy of the Millville Housing Authority to comply with all Civil Rights laws, including but not limited to;

- Title VI of Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin or sex; 1
- Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 188), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination;2
- Executive Order 11063;
- Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities; 3
- The Age Discrimination Act of 1975, which establishes certain rights of the elderly; 4
- Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern, (Title II deals with common areas and public space, not living units);
- The Violence against Women Act of 1994
- any applicable State laws or local ordinances, and;
- any legislation protecting the individual rights of tenants, applicants or staff that may subsequently be enacted. 5

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

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

4. MHA shall not automatically deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents of families whose head of house or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior. 6

5. MHA will correct situations or procedures that create barriers to equal housing opportunity for all. To permit people with disabilities to take full advantage of the MHA's housing programs and non-housing programs, in accordance with Section 504, and the Fair Housing Amendments Act of 1988, there are requirements, optional actions and prohibitions;

- (a) MHA **must**, upon request by an applicant or resident with a disability,
 - make structural modifications to its housing and non-housing facilities 7
 - make reasonable accommodations in its procedures or practices 8

unless such structural modifications or reasonable accommodations

- would result in an undue iii financial and administrative burden on the MHA 9, or
- would result in a fundamental alteration in the nature of the program

i MHA is not only permitted but is required to provide persons with disabilities with housing that is appropriate for their needs. This accessible or adaptable housing, although different from that provided to

others, is permitted because it permits persons with disabilities to participate in the public housing program.

ii This requirement applies to services provided by MHA and services provided by others with MHA's permission on public housing property. Thus, a health screening program offered by the local health department in a public housing community room would have to be fully accessible to persons with disabilities.

(b) In making structural modifications to "Existing housing programs" or in carrying out "Other Alterations"¹¹ for otherwise qualified persons with disabilities, MHA **may**, but is not required to:

- Make each of its existing facilities accessible¹², or
- Make structural alterations when other methods can be demonstrated to achieve the same effect¹³,
- Make structural alterations that require the removal or altering of a load-bearing structural member¹⁴,
- Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below the grade level¹⁵,

(c) When the MHA is making "Substantial Alterations"^{iv} to an existing housing facility MHA **may**, but is not required to,

- Provide an elevator in any multifamily housing project solely for the purpose of locating accessible units above or below grade level¹⁶,
- Make structural alterations that require the removal or altering of a load-bearing structural member¹⁷, or
- Make structural alterations to meet minimum accessibility requirements where it is structurally impractical^v also.¹⁸

6. MHA will not permit these policies to be subverted to do personal or political favors. MHA will not offer units in an order different from that prescribed by this policy, since doing so violates the policy, federal law, and the civil rights of the other families on the waiting list¹⁹.

iii Considering all the MHA's sources of revenue, including both operating and capital funds

iv Defined in **24 CFR § 8.23** as Comprehensive Modernization or work in development with 15+ units, work whose value exceeds 75% of the replacement cost of the facility.

Making Programs and Facilities Accessible to People with Disabilities

1. Facilities and programs used by residents will be accessible to a person in a wheelchair. Application and management offices, hearing rooms, community centers, laundry facilities, craft and game rooms, etc., (to the extent that the MH has such facilities) will be usable by resident with a full range of disabilities. To the extent that the MHA offers such facilities, if none is already accessible, some will be made so, subject to the undue financial and administrative burden test ²⁰.

2. Documents used by applicants and residents will be accessible for those with vision or hearing impairments ²¹. Also, all documents will be written simply and clearly to enable applicants with learning disabilities to understand as much as possible. Unless prohibited by local law, documents may be translated into languages other than English ^{vii}.

3. MHA will present examples to help applicants and residents understand eligibility, rent computation, applicants screening, reasonable accommodations, and lease compliance. In writing materials for applicants and residents, MHA staff will be prepared to explain rules and benefits verbally, as often as may be needed, because some disabilities may affect an applicant's ability to read or understand ²².

4. When MHA has first contact with all applicants, staff will ask whether they need some form of communication other than plain language paperwork. Alternative forms of communication might include: sign language interpretation, having materials explained orally by staff, either in person or by phone; large type materials; information on tape; having someone (friend, relative, or advocate) accompany the applicant to receive, interpret and explain housing materials; permitting applications by mail; and permitting alternative sites for application taking ²³.

5. Some applicants will not be able to read (or to read English), so intake staff must be prepared to read and explain anything that they would normally hand to an applicant to be read or filled out. Applicants who read or understand little English may furnish an interpreter who can explain what is going on. MHA is not required to pay the costs associated with having a foreign language interpreter (as they are for sign language interpreters for the hearing impaired ²⁴ because Fair Housing law makes no such requirement).

6. At a minimum, MHA will prepare information to be used by applicants and residents in plain-language accessible formats.

v Structural impracticability is defined as: Changes having little likelihood of being accomplished without removing or altering a load-bearing structural member and/or incurring an increased cost of 50% or more of the value of the element of the building or facility involved.

vi It is not required that all public and common areas be made accessible so long as persons with disabilities have full access to all the types of facilities and activities available to persons without disabilities. Thus, not all laundry facilities need to be accessible so long as there are sufficient accessible laundry facilities for use by persons with disabilities at each development that provides laundry facilities.

vii 24 CFR § 5.505 requires that any notice or document relative to citizen or eligible immigration status, where

feasible, be provided to an applicant or tenant in a language that is understood by the individual if the individual is not proficient in English. In general, documents will be translated when there are sufficient numbers of applicants or residents speaking a language to warrant the expense.

II. Eligibility for Admission and Processing of Applications

A. Affirmative Marketing

1. MHA will conduct affirmative marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those groups in the eligible population of the area. The marketing plan will take into consideration the number and distribution of vacant units, units that can be expected to become vacant because of move-outs, and characteristics of families on the waiting list. MHA will review these factors regularly to determine the need for and scope of marketing efforts. All marketing efforts will include outreach to those least likely to apply ²⁵.
2. Marketing and informational materials will:
 - (a) Comply with Fair Housing Act requirements on wording, logo, size of type, etc.,
 - (b) Describe the housing units, application process, waiting list and preference structure accurately;
 - (c) Use clear and easy to understand terms and more that strictly English-language print media;
 - (d) Contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/adaptable units are offered to applicants who need their features;
 - (e) Make clear who is eligible: low income individuals and families; working and non-working people with both physical and mental disabilities; and
 - (f) Be clear about MHA's responsibility to provide reasonable accommodations to people with disabilities.

B. Qualifying for Admission

1. It is MHA's policy to admit **only** qualified applicants ^{viii}.

2. An applicant is qualified if he or she meets all of the following criteria:

- (B) Is a family, as defined in Section XII of this policy;
- (C) Meets HUD requirements on citizenship or immigration status²⁶;
- (D) Has an Annual Income (as defined in Section XI of this document) at the time of admission that does not exceed the income limits (maximum incomes by family size established by HUD) posted in MHA offices.

viii the term “qualified” refers to applicants who are eligible and able to meet the applicant selection standards. This term is taken from the 504 regs: **24 CFR § 8.3** definition of qualified individual with a disability. In order to be eligible, a family must meet four tests: (1) they must meet MHA’s definition of family; (2) have an Annual Income at or below program guidelines; (3) each family member, age 6 or older, must provide a social security number or certify that he/she has no number and (4) each family member receiving assistance must be a citizen or non-citizen with eligible immigration status per **24 CFR § 5.500.3**

- (d) Provides documentation of Social Security numbers for family members age 6 or older, or certifies that they do not have Social Security numbers²⁷; and
- (e) Meets the Applicant Selection Criteria in Section II. F. of these policies²⁸, including completing a MHA-approved pre-occupancy orientation session if requested.

C. Establishing and Maintaining the Waiting List

1. It is the policy of MHA to administer its waiting list as required by HUD’s regulations.
2. Opening and Closing Waiting Lists

- (a) For any unit size or type, if the MHA’s waiting list has sufficient applications to fill anticipated vacancies for the coming 12 months. MHA may elect to : (a) close the waiting list completely; (b) close the list during certain times of the year; or (c) restrict intake by preference, type of project, or by size and type of dwelling²⁹.
- (b) A decision to close the waiting list will consider the number of applications for each size and type of unit, the number of applicants who qualify for a preference, and the ability of MHA to house applicants in twelve to eighteen months. Decisions to close waiting lists, restrict intake, or open waiting lists will be publicly announced.
- (c) When the waiting list is closed, MHA will not maintain a list of individuals who wish to be notified when the waiting list is re-opened.

3. Determining if the Waiting List may be Closed

MHA will use its **Procedures on Opening and Closing the Waiting List**^{ix} to determine whether the waiting list(s) should be closed.

4. Updating the Waiting List

- (a) Once each year MHA will update each waiting list sublist by contacting all applicants in writing^x.

If, after two attempts in writing^{xi}, no response is received, MHA will withdrawal the name of an applicant from the waiting list.

At the time of initial intake, MHA will advise families that they must notify the MHA when their circumstances, mailing address or phone numbers change.

- (b) MHA will remove an applicant's name from the waiting list only in accordance with its **Procedures on Updating the Waiting List and Removing Applications**.

^{ix} This policy refers to written procedures that cover, in this case, the closing of the waiting list. References to other administrative procedures is made periodically in the text of this policy. These procedures are separate documents that describe the work steps necessary to implement the policy made in this document.

^x Or by the method designated at initial application by applicants with disabilities.

^{xi} Both written communications will be sent by first class mail.

5. Change in Preference Status While on the Waiting List

- (a) Situations of some families who did not qualify for a local or ranking preference when they applied may change so they are qualified for a preference. The family should contact MHA so their status may be re-certified or re-verified. Applicants whose preference status changes while they are on the waiting list retain their original date and time of application, or application number if applicable.
- (b) If MHA determines that the family does now qualify for a preference, they will be moved up on the waiting list in accordance with their preference(s) and their date and time of application. They will then be informed in writing of how the change in status has affected their place on the waiting list.

D. Processing Applications for Admission

1. MHA will accept and process applications in accordance with applicable HUD Regulations and MHA's **Procedure on Taking Applications and Initial Processing**. MHA will assume that the facts certified to by the applicant in the preliminary application are correct, although all those facts will be verified later in the application process.

2. Interviews and Verification Process

As applicants approach the top of the waiting list, they will be contacted and asked to come to the MHA for an interview to complete their applicant file. Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will have their applications withdrawn, subject to reasonable accommodations for people with disabilities.

(a) The following terms will be verified according to MHA's **Procedure on Verification**, to determine qualification for admission to MHA's housing:

- (i) Family composition and type (Elderly/Disabled/near elderly/non-elderly);
- (ii) Annual Income;
- (iii) Assets and Asset Income;
- (iv) Deductions from Income;
- (v) Preferences;
- (vi) Social Security Numbers of all Family Members;
- (vii) Applicant Screening Information; and
- (viii) Citizenship or eligible immigration status.

(b) Third party written verification is the required form of documentation to substantiate applicant or resident claims. If attempts to obtain third party written verifications are unsuccessful, MHA may also use (1) phone verifications with the results recorded in the file, dated, and signed by MHA staff, (2) review of documents, and, if no other form of verification is available, (3) applicant certification. Applicants must cooperate fully in obtaining or providing the necessary verifications.

(c) Verification of eligible immigration status shall be carried out pursuant to **24 CFR § 5.5**. Citizens are permitted to certify to their status.

3. MHA's applications for admission to public housing shall indicate for each application the date and time of receipt; applicant's race and ethnicity; determination by MHA as to eligibility of the applicant; when eligible, the unit size(s) for which eligible; preference, if any; and the date, location, identification, and circumstances of each vacancy offered and accepted or rejected ³⁰.

E. The Preference System

1. An admission preference does not guarantee admission. Preferences establish the order of placement on the waiting list. Every applicant must still meet MHAs Selection Criteria before being offered a unit.
2. Factors other than preferences that affect the selection of applicants from the waiting list ³¹.

Before applying its preference system, MHA will match the characteristics of the available unit to the applicants available on the waiting list. Unit size, accessibility features, or type of project limit the admission of families to households whose characteristics “match” the vacant unit available.

By matching unit and family characteristics, families lower on the waiting list may receive an offer of housing before families with an earlier date and time of application or families with a higher preference (e.g. the next unit available is an accessible unit and the only applicant family needing such features is in the non-preference pool, i.e. having no preference).

Factors other than the preference system that affect applicant selection are described below:

- (a) When selecting a family for a unit with **accessible features**. MHA will give a preference to families that include persons with disabilities who can benefit from the unit’s features. First preference will be given to existing tenant families seeking a transfer and second preference will be given to applicant families.

If no family needing accessible features can be found for a unit with such features, MHA will house a family not needing the unit features, but a non-disabled family in an accessible unit will be required to move so that a family needing the unit features can take advantage of the unit.

- (b) When selecting a family for a unit in housing designated for elderly families, or disabled families, if any, MHA will give a priority to elderly, disabled or near elderly families.
- (c) When selecting a family for a unit in a property that houses elderly and disabled families, as opposed to a general occupancy development that houses non-elderly families as well, MHA will give equal priority to elderly families and disabled families.
- (d) When selecting a single person at a Mixed Population development, elderly, disabled or displaced single persons have priority over other singles. Single applicants who are not elderly, disabled or displaced can only be admitted after all elderly or disabled families or single displaced person have been offered units.

Preferences will be granted to applicants who are otherwise qualified and who, at the time of the unit offer (prior to execution of the lease), meet the definitions of the preferences described below.

3. Local Preference

There is one local preference in effect based on ranges of income. Applicants will be grouped as follows:

- **Tier I:** Elderly Applicants and Assisted Living;
- **Tier II:** Disabled Applicants;
- **Tier III:** Working Families/Individuals
- **Tier IV:** Non Working Families/ individuals (includes all others)

4. Mixed Population Buildings and Local Preference

In addition to the Tier preference, which applies to all MHA's developments, MHA elects not to retain the former Federal priority for single persons who are elderly, persons with disabilities, or persons displaced by governmental action over all other single persons when filling vacancies in its Mixed Population buildings.

5. Designated Housing

The preference system will be used to match the characteristics of the family type to the type of unit available, including developments with HUD-approved designated populations. The ability to provide preferences for some family types will depend on unit size available.

1. Projects designated for the elderly ^{xiii}. Elderly families will receive a priority for admission to units or buildings covered by a HUD-approved Designation Plan. When there are insufficient elderly families, near-elderly families will receive a priority for this type of unit.
- (b) Projects designated for disabled families ^{xiii}. Disabled families will receive a priority for admission to unit or buildings covered by a HUD-approved Designation Plan.

6. Notice and Opportunity for a Meeting

If an applicant claims but does not qualify for a preference, the applicant can request a meeting:

- (a) MHA will provide a notice that an applicant does not qualify for a preference containing a brief statement of the reasons for the determination, and that the applicant may meet with MHA designee to review the determination.
- (b) If the applicant requests the meeting, MHA will designate someone to conduct the meeting. This can be the person who made the initial determination or reviewed the determination of his or her subordinate, or any other person chosen by the MHA. A written summary of this meeting shall be made and retained in the applicant's file.
- (c) The applicant will be advised that he/she may exercise other rights if the applicant believes that illegal discrimination, based on race, color, national origin, religion, age, disability, or familial status has contributed to the MHA's decision to deny the preference.

xii Buildings or portions of buildings designated by following HUD's requirements. Designation of housing for the elderly requires a designated housing plan presented to HUD for approval.

Xii Buildings, floors and units can also be designated for disabled families, also by following the HUD requirements.

F. Screening Applicants for Admission

1. All applicants shall be screened in accordance with HUD's regulations ³⁴ and sound management practices. During screening, MHA will require applicants to demonstrate ability to comply with essential provisions of the lease as summarized below:
 - (a) to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
 - (b) to care for and avoid damaging the unit and common areas;
 1. to use facilities and equipment in a reasonable way;
 - (d) to create no health, or safety hazards, and to report maintenance needs.
 - (e) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
 - (f) not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff, and not to engage in drug-related criminal activity; and

- (g) to comply with necessary and reasonable rules and program requirements of HUD and the MHA.
2. How MHA will check ability to comply with essential lease requirements:
- (a) Applicant ability and willingness to comply with the essential lease requirements will be checked and documented in accordance with MHA's **Procedure on Applicant Screening**. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Any costs incurred to complete the application process and screening will be paid by the MHA.
 - (b) The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected **not to**:
 - (i) Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare ³⁵;
 - (ii) Adversely affect the physical environment or financial stability of the project ³⁶;
 - (iii) Violate the terms and conditions of the lease ³⁷;
 - (iv) Require services from MHA staff that would alter the fundamental nature of MHA's program ³⁸.
 - (c) MHA will conduct a detailed interview of all applicants using an interview checklist as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Answers will be subject to third party verification ³⁹.
2. MHA will complete a credit check and a rental history check on all applicants.
3. Payment of funds owed to MHA or any other housing authority is part of the screening evaluation. MHA will reject an applicant for unpaid balances owed to MHA by the applicant for any program that the MHA operates ⁴⁰.
4. MHA will complete a criminal background check on all adult applicants or any member for whom criminal records are available. Before the MHA rejects an applicant on the basis of criminal history, the MHA must notify the household of the proposed

rejection and provide the household member whose criminal history is at issue with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record 41.

5. If any screening activity suggests that an applicant household member may be currently engaged in illegal use of drugs, the MHA shall seek information from a drug abuse treatment facility to determine whether the facility has reasonable cause to believe the household member is currently engaging in illegal drug use.
6. MHA will complete a home visit on all applicants that have passed criminal history screening and have incomplete or questionable landlord references to determine if the applicant's housekeeping would create health or sanitation problems. Staff completing the home visit will consider whether the conditions they observe are the result of the applicant's treatment of the unit or are caused by the unit's overall substandard condition.
7. Housekeeping criteria to be checked shall include, but not be limited to:

Conditions in the living room, kitchen (food preparation and clean-up), bathroom, bedrooms, entrance ways, halls and yard (if applicable):

Cleanliness in each room; and
General care of appliances, fixtures, windows, doors and cabinets.

Other MHA lease compliance criteria will also be checked, such as:

Evidence of destruction of property;
Unauthorized occupants;
Evidence of criminal activity; and
Conditions inconsistent with application information.

All applicants shall have at least two day's advance written notice of Home Visits.

8. All applicants may be asked to attend and complete MHA Pre-Occupancy Orientation.
9. MHA examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant's adult family members'

- Past performance in meeting financial obligations, especially rent and utility bills ⁴².
- Record of disturbance of neighbors (sufficient to warrant a police call), destruction of property, or living or housekeeping habits that would adversely affect the health, safety, or welfare of other tenants or neighbors ⁴³.
- History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property or other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development ⁴⁴.
 - MHA may require an applicant to exclude a household member in order to be admitted if that household member has participated or been culpable for criminal actions that warrant rejection;
 - MHA may, if a statute requires that the MHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.
- A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
- An applicant's ability and willingness to comply with the terms of MHA's lease ⁴⁵.

10. The MHA is **required** to reject the applications of certain applicants for criminal activity or drug abuse by household members:

- The MHA shall reject the application of any applicant for three years from the date of eviction if any household member has been evicted from any federally assisted housing form drug-related criminal activity. However, the MHA may admit the household if the MHA determines that ⁴⁶:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the MHA; or
 - The circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- The MHA is required to reject the application of a household if the MHA determines that:
 - Any household member is currently engaging in illegal use of a drug ^{xv}; or
 - The MHA 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; or
 - Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of any federally assisted housing; or
 - Any household member is subject to a lifetime registration requirement under a State sex offender registration program; or
 - Any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents ^{xvi}.
11. An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.
 12. Applicants must be able to demonstrate the ability and willingness to comply with the terms of MHA's lease, either alone or with assistance that they can demonstrate they will have at the time of admission ^{xvii}. Availability of assistance is subject to verification by MHA ⁴⁷.

xv 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 belief that the behavior is current.

xvi MHA must be able to show a relationship between the applicant household members abuse of alcohol and behavior that threatens the health, safety, or right to peaceful enjoyment of other residents.

Xvii Applicants whose landlord, financial, criminal and other references demonstrate that they are already willing and able to comply with lease terms in their existing housing will be considered to have met the criterion, whether or not they are disabled. Applicants whose housing situations make it difficult for MHA to determine whether or not they are able

and willing to comply with lease terms (e.g. because they are homeless, are living with friends or relatives, or have other non-traditional housing circumstances) will have to demonstrate ability and willingness to comply with lease terms whether or not they are disabled.

3. Screening applicants who claim mitigating circumstances

13. If negative information is received about an applicant, MHA shall consider the time, nature, and extent of the applicant’s conduct and to factors that might indicate a reasonable provability of favorable future conduct. To be considered, mitigating circumstances must be verifiable ⁴⁸.

14. Mitigating circumstances ^{xviii} are facts relating to the applicant’s negative rental history or behavior, that, when verified, indicate (1) the reason for the unsuitable rental history and/or behavior, and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, **AND** applicant’s prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

15. If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, MHA shall refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance, even if such information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodations.

16. Examples of mitigating circumstances might include ⁴⁹;

(A) Evidence of successful rehabilitation;

(B) Evidence of the applicant family’s participation in social service or other appropriate counseling service;
or

(C) Evidence of successful and sustained modification of previous disqualifying behavior

17. Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. MHA will consider circumstances in light of;

- (A) the applicant's ability to verify the mitigating circumstances and prospects for improved future behavior;
- (B) the applicant's overall performance with respect to all the screening requirements; and
- (C) the nature and seriousness of any criminal activity, especially drug-related criminal activity that appears in the applicants record.

4. Qualified and Unqualified Applicants

18. Verified information will be analyzed and a determination made with respect to:

- (A) Eligibility of the applicant as a family 50;
- (B) Eligibility of the applicant with respect to income limits for admission 51;
- (C) Eligibility of the applicant with respect to citizenship or eligible immigration status 52;
- (D) Unit size required for and selected by the family;
- (E) Preference category (if any) to which the family is entitled 53; and
- (F) Qualification of the applicant with respect to the Selection Criteria 54.

19. Qualified families will be notified by the MHA of the approximate date of admission insofar as that date can be determined 55, however the date stated by MHA is an estimate and does not guarantee that applicants can expect to be housed by that date.

20. Unqualified applicants will be promptly notified by a Notice of Rejection for MHA stating the basis for such determination and offering an opportunity for informal hearing (see **Procedure for Informal Hearing for Rejected Applicants**). Informal hearings for

applicants are different from the resident grievance process.
 Applicants are not entitled to use of the resident grievance process 56.

xviii The discussion of mitigating circumstances in this paragraph is applicable to all applicants. MHA is required by regulation to consider mitigating circumstance, see 24 CFR § 960.203 (d) (1).

21. Applicants known to have a disability that are eligible but fail to meet the Selection Criteria, will be offered an opportunity for a second meeting to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the Screening Procedures.

G. Occupancy Guidelines

1. Units shall be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear and under-utilization.

Minimum and Maximum-Number-of-Persons-Per Unit Standard

<u>Number of Bedrooms</u>	<u>Min/Persons/Unit</u> <u>(Largest Unit Size)</u>	<u>Max Persons/Unit</u> <u>(Smallest Unit Size)</u>
0BR	1	1
1BR	1	2
2BR	2	4
3BR	3	6
4BR	4	8
5BR	5	10

The following principles govern the size of unit for which a family will qualify, Generally, two people are expected to share each bedroom, except that units will be so assigned that;

22. It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom, although they may do so at the request of the family.
 23. Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities.
 24. Two children of the opposite sex will not be required to share a bedroom, although they may do so at the request of the family.
 25. An unborn child will not be counted as a person in determining unit size. A single pregnant woman may be assigned to a one bedroom unit in determining unit size.
 26. MHA will count a child who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school.
 27. A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.
 28. A live-in attendant may be assigned a bedroom. Single elderly or disabled residents with live-in attendants will be assigned one or two bedroom units.
2. The Local Housing Code of two persons per bedroom will be the standard for the smallest unit a family may be offered. Individual housing units with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels will not discriminate on the basis of familial status.
 3. The largest unit size that a family may be offered would provide no more than one bedroom per family member; taking into account family size and composition.
 4. If a family opts for a smaller unit size than would normally be assigned under the largest unit size standard (because, for example, the list is moving faster), the family will be required to sign a statement agreeing to occupy the unit assigned at their request until their family size or circumstances change.
 5. When a family is actually offered a unit, if they no longer qualify for the unit size where they were listed, they will be moved to the appropriate list, retaining their preferences and date and time of application. This may mean that they may have to wait longer for a unit offer.
 6. The MHA will change the family's list at any time while the family is on the waiting list at the family's request.

III. Tenant Selection and Assignment Plan

A. Organizing the Waiting List

1. Site-Based Waiting List

It is MHA's policy that each applicant shall be assigned his/her appropriate place on a Site-Based waiting list or single community-wide waiting list in sequence based upon:

- applicant request
- type and size of unit needed and selected by the family (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms);
- applicant preference or priority, if any; and
- date and time the application is received.

MHA will maintain its waiting list in the form that records the type and size of unit needed, each applicant's priority/preference status, choice of location, the date and time of application, and the race and ethnicity of the family head.

2. Site-based Waiting List

The MHA elects to operate a Site-based Waiting List for Assisted Living purposes at its Riverview West and Jaycee Plaza facilities. The application for such list shall be a part of the MHA's Annual Plan.

- All current applicants for units of the size and type offered at these developments will be given a Medical Evaluation by a Medical Professional before a unit will be offered.
- If the Medical Evaluation determines that there is no need for Assisted Living, the applicant may request that they be placed on the waiting list for other MHA operated facilities appropriate to their needs. The applicant would retain their original date and time of application.

- If there are no applicants specifically for Assisted Living, the vacant unit will be offered to the next qualified applicant on the Public Housing waiting list.

B. Making Unit Offers to Applicants

1. To ensure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, national origin, disability or familial status PLAN “A” will be used to make unit offers.
 - The first qualified applicant in sequence on the waiting list is made one offer of a unit of appropriate size and type for the location they have requested.
 - The applicant must accept the vacancy offered or be moved to the bottom of the waiting list. The applicant may turn down three unit offers before being removed from the list.
 - Applicants who are removed from the waiting list because they refuse unit offers without good cause may not reapply for housing for 12 months.
2. MHA will first match the unit available to the highest ranking applicants for a unit of that size, type and special features (if any), taking into account any designated housing (if applicable). Preferences will then be used to determine the order of selection from the waiting list. If two applicants need the same type and size of unit and have the same preference status, the applicant with the earlier date and time of application or lower application number will receive the earliest offer.
3. In the selection of a family for a unit with accessible features, MHA will give preference to families that include a person with disabilities who can benefit from the unit features.
4. Local and ranking preferences will be a factor in most admissions, although there may be instances (e.g. a unit with accessible features is ready and no applicant in the targeted preference group needs the features) when the MHA will make an offer to an applicant who does not qualify for a ranking preference. Certain types of transfers will also be processed with new admissions. See Section F. for the ratio of transfers to new admissions.
5. The applicant must accept the vacancy offered within 5 working days of the date the offer is communicated (by phone, mail, or the method of communication

designated by an applicant with disabilities) or be removed from the waiting list. All offers made over the phone will be confirmed by letter. If unable to contact an applicant by phone or first class mail, MHA will send a certified letter, return receipt requested.

6. If more than one unit of the appropriate size and type is available, the first unit offered will be the unit that is or will be ready for move-in first. "Ready for move in" means the unit has no Housing Quality Standard deficiencies and is broom clean. If two units are ready for move in on the same day, the first unit to be offered will be the unit that became vacant first.

C. Removing Applicant Names from the Waiting List

To ensure vacant units are filled in a timely manner, MHA needs a waiting list that is accurate. While each applicant must keep MHA apprised of changes in address, phone, number, income of other circumstances, no applicants shall be removed from the waiting list except when one of the following occurs:

1. The applicant receives and accepts an offer of housing;
2. The applicant requests that his/her name be removed from the waiting list;
3. The applicant is rejected, either because he/she is ineligible for public housing at the time of certification, or because he/she fails to meet the applicant selection criteria ^{xix}; or
4. The application is withdrawn because the MHA attempted to contact the applicant and was unable to do so. In attempting to contact an applicant, the following methods shall be undertaken before an application will be withdrawn:
 - The applicant will be sent a letter by first class mail to the applicant's last known address, asking the applicant to contact MHA ^{xx} by returning the update letter;
 - When five working days have elapsed from the date when the MHA mails the letter, if there is no response from the applicant, the applicant will be sent the same letter by Certified Mail, return receipt requested;
 - If an applicant contacts MHA as required within any of the deadlines stated above, he/she shall be reinstated at the former waiting list position;
 - When MHA is unable to contact an applicant by first class mail to schedule a meeting, or interview or to make and offer, MHA shall suspend processing of that application until the applicant is either withdrawn (no contact by the applicant) or reinstated (contact by the applicant within the

stated deadlines). While an application is suspended, applicants next in sequence will be processed.

5. Person who fails to respond to MHA attempts to contact them because of verified situations related to a disability shall be entitled to reasonable accommodation. In such circumstances MHA shall reinstate these individuals to their former waiting list positions.
6. Families whose applications are withdrawn or rejected must reapply for housing when the waiting list is open. Families whose applications were withdrawn may not reapply for 12 months.

D. Good Cause for Applicant Refusal of Unit Offer

If an applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents clear evidence (“good cause”) that acceptance of the offer of a suitable vacancy will result in undue hardship not related to consideration of race, color, sex, religion or national origin, the applicant will not be dropped from the list.

1. Examples of “good Cause” for refusal of an offer of housing are;
 - The unit is not ready for move-in at the time of the offer of housing. “Ready for move-in” means the unit has no Housing Quality Standard deficiencies and is broom clean. If an applicant refuses a unit because it is not ready for move-in, the applicant will be offered the next unit that **is** ready for move-in;
 - Inaccessibility to source of employment, education, or job training, children’s day care, or educational program for children with disabilities ^{xxi}, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or educational program for children with disabilities;
 - The family demonstrates that accepting the offer will place a family member’s life, health or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments for a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;
 - A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members

(each as listed on final application) or live-in aide necessary to the care of the principal household member;

- The unit has lead paint and the family has children under the age of seven;
 - The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30 day notice to move;
 - An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.
2. If good cause is verified, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list or otherwise affect the family's position on the waiting list.
 3. MHA will maintain a record of units offered, including location, date and circumstances of each offer, and each acceptance or refusal, including the reason for refusal.

xix All rejected applicants are entitled to a complete explanation of the reason for their rejection and an informal hearing at which they may present reasons why they should not be rejected. See the Procedure on Informal Hearings for Rejected Applicants.

xx Except that MHA shall contact persons with disabilities according to the methods such individuals previously designated. Such methods of contact could include verbal or in-person contact or contacting relatives, friends, or advocates rather than the person with disabilities.

xxi If the applicant has a child participating in such a program.

E. Leasing Accessible Units

1. Before offering a vacant accessible unit to a non-disabled applicant, MHA will offer such units:
 - First, to a current public housing resident having a disability that requires the special features of the vacant unit.
 - Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.
2. When offering an accessible/adaptable unit to a non-disabled applicant, MHA will require the applicant to agree to move to an available non-accessible unit within 30 days when a current resident or an applicant with a disability needs the unit. This requirement is also reflected in the lease signed with the applicant.

F. Administering the Applicant and Transfer Waiting Lists

Applications for admission and transfer will be processed centrally. Initial intake, waiting list management, screening, and assigning of housing (including transfers) will be made from the central office. Offers may be made in person, in writing or by phone from the central office.

G. Transfers

MHA has five possible types of transfers: Emergency, Administrative- Category 1, Category 2 and Category 3, and Incentive ^{xxii} transfers. The definition of each transfer is found in the Transfer section.

1. Emergency and Category 1 and 2 administrative transfers and Incentive transfers will take priority over admissions. Category 3 administrative transfers will be processed at the rate of four admissions to each transfer. The specific definitions of each type of transfer are covered in Section V, Transfers, below.
2. Tenants on the transfer list may refuse transfer offers for the “good cause” reasons cited in Section C above without losing their position on the transfer list.
3. Tenants who refuse a transfer offer without good cause may be removed from the transfer list and tenants whose transfers are mandatory are subject to lease termination.
4. Tenant may use the MHA Grievance Procedure if they are refused the right to transfer or if MHA is requiring them to transfer and they do not want to do so.

X ^{xii} If the MHA has no units appropriate for Incentive transfers, but such units are developed or acquired in the future, this policy will be activated by Board resolution.

IV. Leasing Policies

A. General Leasing Policy

1. All units must be occupied pursuant to a lease that complies with HUD's regulations ⁵⁷.
2. The lease shall be signed by the head, spouse, and all other adult members of the household and by the Executive Director or other authorized representative of MHA, prior to actual admission ⁵⁸.
3. If a resident transfers from one MHA unit to another, a new lease will be executed for the dwelling into which the family moves ⁵⁹.
4. If at any time during the life of the lease agreement, a change in the residents status results in the need for changing or amending any provision of the lease, either;
 29. A new lease agreement will be executed, or
 30. A Notice of Rent Adjustment will be executed, or
 31. An appropriate rider will be prepared and made a part of the existing lease.

All copies of such riders or insertions are to be dated and signed by the Resident and by the Executive Director or other authorized representative of the MHA ⁶⁰.

5. Residents must advise MHA if they will be absent from the unit for more than 7 days. Residents shall notify the management office, secure the unit and provide a means for the MHA to contact the resident in an emergency. Failure to advise the MHA of an extended absence is grounds for termination of the lease.

B. Showing Units Prior to Leasing

1. When offering units. MHA will provide the applicant with a brief property description and other information to help orient the applicant to the neighborhood and location of the property. If the offer of a unit is preliminarily accepted by the applicant, the Housing Specialist will contact the applicant to set up a date to show the unit.
2. Once the unit is shown and the applicant accepts the unit, the Housing Specialist will execute a lease.
3. No lease will have an effective date before the unit is ready for occupancy ⁶¹.

C. Additions to the Household and Visitors

1. Only those persons listed on the most recent certification for and lease shall be permitted to occupy a dwelling unit ⁶².

- Except for natural births to or adoptions by family members, or court awarded custody, any family seeking to add a new member must request approval in writing before the new member moves in.
 - Also included, would be situations in which a person (often a relative) comes to the unit as a visitor but stayed on in the unit because the tenant needed support, for example, after a medical procedure ⁶³.
 - All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.
2. When a resident requests approval to add a new person to the lease, MHA will conduct pre-admission screening of any proposed new adult member to determine whether the MHA will grant such approval.

Children under the age below which Juvenile Justice records are made available, or added through a formal custody award or kinship care arrangement are exempt from the pre-admission screening process, although the resident still needs prior permission from MHA to add children other than those born to, adopted by or awarded by the court to the family.

3. Examples of situations where the addition of a family of household **member is subject to screening** are:
- Resident plans to be married and requests to add the new spouse to the lease;
 - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren) over the age for which juvenile justice records are available;
 - A unit is occupied by a remaining family member(s) under age 18 (who is not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of the household.
4. Residents who fail to notify MHA of additions to the household or who permit persons to join the household without undergoing screening are violating the lease. Persons added without MHA approval will be considered unauthorized occupants and the entire household will be subject to eviction ⁶⁴.
5. Visitors may be permitted in a dwelling unit so long as they have no previous history of behavior on MHA premises that would be a lease violation.
- Visits of less than three days need not be reported to or approved by the Management Office.

- Visits of more than three days and less than fourteen days are permitted, provided they are reported to the Management Office within 72 hours and authorized by the manager.
 - Visits by (one or more persons) of more than 14 calendar days (whether consecutive or over time within a calendar year) shall be only permitted when authorized by the Executive Director or his/her designee, after a review of documentation evidencing that an extenuating circumstance exists to allow such visit to occur.
 - Visitors remaining beyond this period shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease.
6. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease ⁶⁵.
 7. Residents will not be given permission to allow a former resident of MHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is ground for termination of the lease.
 8. Family members over age 17 or emancipated minors who move from the dwelling unit to establish new households shall be removed from the lease ⁶⁶.
 - The resident shall report the move-out within 30 calendar days of its occurrence.
 - These individuals may not be readmitted to the unit and must reapply as a new applicants household for placement on the waiting list.
 - Medical hardship, or other extenuating circumstances shall be considered by MHA is making determinations under this paragraph.

V. Transfer Policy

A. General Transfer Policy

1. Transfers will be made without regard to race, color, national origin, sex, religion, or familial status. Residents can be transferred to accommodate a disability ⁶⁷.
2. Residents will be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director.

3. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers.
4. When feasible, the committee will determine whether or not the transfer will be intra-project.
5. There will be no “split” leasing regarding a transfer request.

B. Types of Transfers

1. The order in which families are transferred shall be subject to the hierarchy by category set forth below.
 - (a) Emergency Transfers are **mandatory** when MHA determines that conditions pose an immediate threat to resident life, health, or safety. Emergency transfers may be made to: permit repair of unit defects hazardous to life, health, or safety; alleviate verified disability problems of a life threatening nature; or protect members of the household from attack by the criminal element in a particular property ^{xxiii}.
 - (b) A transfer request for a unit with accessible features would be granted provided that (1) there is such a unit available and, (2) that any requested modifications were not unreasonable.

These transfers shall take priority over new admissions.

- (b) Category 1 Administrative transfers include **mandatory** transfers to: remove residents who are witnesses to crimes and may face reprisals; provide housing options to residents who are victims of hate crimes or extreme harassment; victims of domestic violence; alleviate verified medical problems of a serious (but not life-threatening) nature and can be reasonably accommodated; permit modernization or demolition of units; or permit a family that requires a unit with accessible features to occupy such a unit.
32. Category 1 Administrative Transfers will also include a resident request to move to Riverview West or Jaycee Plaza for the purpose of Assisted Living. This type of request must be accompanied by a Medical Evaluation performed by a Medical Professional. The transfer will not be approved without this evaluation. If the Medical Evaluation does not show the need for Assisted Living, the resident will be informed in writing and removed from the transfer list. If the Medical Evaluation shows a need for Assisted Living, the resident will be offered the first available unit in Riverview West or Jaycee Plaza.

These transfers shall take priority over new admissions.

- (c) Category 2 Administrative transfers correct serious occupancy standards problems.

These transfers will take priority over new admissions.

33. Category 3 Administrative transfers may be made to: avoid concentration of the most economically and socially deprived families, correct occupancy standards ^{xxiv}, or address situations that interfere with peaceful enjoyment of the premises.

These transfers will not take priority over new admissions.

Incentive transfers: As described in detail below, Incentive Transfers are offered to new or recently modernized units, on a nondiscriminatory basis to resident with good rental histories.

2. Whenever feasible, transfers will be made within a resident's area.

C. Processing Transfers

1. A centralized transfer waiting list will be administered by the Occupancy Division. Housing Specialists submit requests for transfers, including necessary documentation, to the Transfer Committee Secretary.
2. Transfers will be sorted into their appropriate categories by the Transfer Committee Secretary. Admissions will be made in the following order:
 - First: Emergency transfers, then
 - Category 1 Administrative Transfers,
 - Category 2 Administrative Transfers,
 - Incentive Transfers,
 - Applicants, and, at a rate of four applicants to every transfer,
 - Category 3 Administrative Transfers

Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received from the housing specialist.

3. Category 2 transfers to correct occupancy standards may be recommended at time of re-examination or interim re-determination.
4. Residents in a Category 2 over/under housed status will be advised in their 30 day “Notice of Result of Re-examination” that a transfer is recommended and that the family has been placed on the transfer list.
5. When a head of household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 2 transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the unit, marriage takes place, or family decides to remain in the unit and the unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.

It is not the policy of the MHA to “split” families in order to meet certain criteria. If there are no suitable units available to meet the request, the MHA will inform the family of any other options that may be available. It would be an undue financial burden to the housing authority to make such unit modifications in order to provide housing that does not currently exist, therefore, making the request “unreasonable”.

6. Transfer requests to reside in Assisted Living will be processed as Category 2 Administrative Transfer.

D. Good Record Requirement for Transfers

1. In general, and in all cases of all resident-requested transfers, residents will be considered for transfers only if the head of household and any other family members for the past 3 years:
 - have not engaged in criminal activity that threatens the health and safety of other residents and staff;
 - do not owe back rent or other charges, or evidence a pattern of late payments;
 - meet reasonable housekeeping standards and have no housekeeping lease violations; and
 - can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).
2. Exceptions to the good record requirements may be made for emergency transfers or when it is to MHA’s advantage ^{xxv} to make the transfer. The central transfer

committee taking into account the recommendation by the Property Manager will make the exception to the good record requirement.

Absent a determination of exception, the following policy applies to transfers:

- If back rent is owed, the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, back rent is paid in full.
- A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up inspection.

xxiii based on threat assessment by a law enforcement agency.

xxiv Voluntary if the family is between the minimum and maximum occupancy standard but the family requests a transfer, e.g. to permit older children of opposite sexes to have separate bedrooms.

Xxv e.g. a single person is living alone in a three bedroom unit and does not want to move

E. Incentive Transfers

1. Incentive transfers are offered to residents who have good rental histories and want to move to units other than those they currently occupy on a non-discriminatory basis.
 - (a) Incentive Transfers- MHA may occupy recently modernized and scattered site units through incentive transfers. Modernized units will be filled with incentive transfers, new applicants, or a combination of both in a manner that has the least impact on vacant units.
 - (b) Resident requests for incentive transfers should be made to their Project Manager. Project Managers may also recommend a resident for an incentive transfer. To be considered for an incentive transfer, the following conditions must be met:
 - (i) Residency in a MHA development for at least one year.
 - (ii) Rental account must be current.

- (iii) No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notices of lease violation in the applicant's file.
 - (iv) Good housekeeping record.
2. Incentive transfers are Category 2 administrative transfers.
 3. No exceptions will be granted to the good record requirement for incentive transfers.
 4. A Project Managers failure to process or recommend an Incentive Transfer is subject to the Grievance Procedure.

F. Paying for Transfers

1. Residents shall bear the cost of transfers to correct occupancy standards. Transfers requested or required by MHA will be paid for or made by MHA.

G. Assisted Living Transfers

1. In order to prevent potential abuse of the Assisted Living Program Preference on the Waiting List, any applicant that has been admitted to housing for Assisted Living Program purposes shall not be eligible to apply for transfer to a Non-Assisted Living Program location. Assisted Living Program participants who wish to transfer to another MHA facility that does have an Assisted Living Program must submit their request to the Transfer Committee. Assisted Living Program Participants retain the right to a Grievance Hearing when an application for a transfer is refused.

VI. Eligibility for Continued Occupancy.

Annual Reexaminations, and Remaining Family Members

A. Eligibility for Continued Occupancy

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

1. Qualify as a family as defined in Section XII of this policy ^{xxvi}.

2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members, age 6 and older, each have Social Security numbers or have certifications on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent ⁶⁸.
5. Who are in compliance with the MHA's 8 hour per month community service requirements ^{xxvii} (if applicable).

B. Remaining Family Members and Prior Debt

1. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head or spouse. MHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.
2. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

C. Reexaminations

1. **Regular reexaminations:** MHA shall, at least once a year, re-examine the family composition and incomes of all resident families, except families paying Flat Rent. While MHA will reserve the option of annually examining Flat Rent families, it is only required to do so every 2 years ⁶⁹.
2. **Special Reexaminations:** When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special reexamination will be scheduled every 60 days until a reasonably accurate estimate of income can be made.
3. Special reexamination shall be conducted when there is a change in the head of household that requires a remaining family member to take on the responsibilities of the leaseholder.
4. **New Reexamination Date Following Income Disallowance:** When a family qualifies for an earned income disallowance, the date for their next regular reexamination shall be permanently adjusted to be 12 months following the date that the income disallowance began.
5. **Zero-Income Families:** Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every 60 days until they have a stable income. Monetary or non-

monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income.

6. Reexamination Procedures

(a) At the time of re-examination, all adult members of the household will be required to sign an application for continued occupancy and other forms required by HUD.

Xxvi For purpose of continued occupancy, remaining family members qualify as a family so long as at least one of them is of legal age execute a lease. Remaining family members can also include court recognized emancipated minors under age 18.

xxvii applicable to certain adults who are neither elderly, disabled, working nor participating in qualifying educational or job training programs.

- (b) Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be filed in the resident's folder.
 - (c) An employment check will be run on each family at re-certification to help detect any unreported income, family members not reported on the lease, etc 70.
 - (d) Verified information will be analyzed and a determination made with respect to :
 - (i) Eligibility of the resident as a family or as the remaining member of a family;
 - (ii) Unit size required for the family (using Occupancy Guidelines); and
 - (iii) Rent the family should pay.
 - (e) Residents with a history of employment whose reexamination occurs when they are not employed will have income anticipated based on past and anticipated employment. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.
34. Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy 71.
35. Families failing to respond to the initial reexamination appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the Project Manager for termination of the lease 72.

6. Action Following Reexamination

- (a) If there is any change in rent, the lease will be amended, a new lease will be executed, or a Notice of Rent Adjustment will be issued 73.
- (b) If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described above in this policy and moved to an appropriate unit when one becomes available 74.

7. Wage Verification and Discovery

If it is discovered through the verification process that there is unreported income, the following must take place;

- (a) Income of \$2,000.00 or less- Rent will be recalculated to include the excess income and will be applied retroactively to the date of employment.
- (b) Income in excess of \$2,000.00- Rent will be recalculated to include the excess income and will be applied retroactively to the date of employment. The family will be offered a repayment agreement for the **difference** in rent only. This repayment agreement will not exceed 20% of the residents **monthly** income in an effort to avoid causing an undue burden to the family.
- (c) Refusal of any family to sign a repayment agreement will result in the termination of the families lease. The MHA will pursue legal avenues to recover rental amounts that would have been paid by the family retroactive to the date of employment.

VII. Interim Rent Adjustments: Fixed Rent System

A. Adjusting Rent Between Regular Reexaminations

1. **Residents are required to report all changes in family composition or status to the housing manager within 10 calendar days of the occurrence. Failure to report within the 10 calendar days may result in a retroactive rent increase, but not a retroactive credit or rent reduction. In order to qualify for rent reductions, residents must report income decreases promptly. **Residents are also required to report interim increases in income if they have been granted interim rent reductions.****
2. MHA wishes to encourage families to improve their economic circumstances, so most changes in family income between reexaminations will not result in a rent change. MHA will process interim changes in rent in accordance with the chart below.

<u>INCOME CHANGE</u>	<u>MHA ACTION</u>
(a) Decrease in income for any reason, <u>except</u> for decrease that lasts less than 30 days ^{xxviii} . Increase in income following MHA granting of interim rent decrease.	<ul style="list-style-type: none"> • MHA will process an interim reduction in rent if the income decrease will last more than 30 days. MHA will process an interim increase for income increases that follow interim rent reductions.
(b) Increase in earned income from the employment of a current household member.	<ul style="list-style-type: none"> • MHA will either defer the increase to the next regular reexamination or, if the individual is eligible for an earned income disallowance, will grant the disallowance.
(c) Increase in unearned income (e.g. COLA adjustment for Social Security).	<ul style="list-style-type: none"> • MHA will defer the increase to the next regular reexamination.
(d) Increase in income because a person with income (from any source) joins the household.	<ul style="list-style-type: none"> • MHA will defer the increase to the next regular reexamination.

- (e) MHA will process an interim increase in rent if the resident misrepresented or failed to report facts upon which rent is based, so the rent the Resident is paying is less than it should have been. MHA will apply any increase in rent retroactive to the month following the month in which the misrepresentation occurred.
 - (g) MHA will not process a rent adjustment if the reduction of TANF benefits is the result of non-compliance with requirements of receiving such benefits.
 - (h) If a reduction or termination of TANF benefits is due to a “lifetime cap”, and the resident was in full compliance with program requirements, a rent adjustment will be processed and will take effect the first of the following month.
3. Complete verification of the circumstances applicable to rent adjustments must be documented and approved by the Executive Director of his/her designee ⁷⁵.
 4. MHA will process interim adjustments in rent as follows;
 - (a) When a decrease in income is reported, and the Authority receives confirmation that the decrease will last less than 30 days, an interim adjustment will not be processed.

- (b) Residents reporting decreases in income that are expected to last more than 30 days will have an interim adjustment processed.
- 5. Residents granted a reduction in rent under these provisions will be required to report for special reexaminations at intervals determined by the Project Manager. Reporting is required until income increases or it is time for the next regularly scheduled reexamination, whichever occurs first.

xxviii Decreases in income resulting from welfare fraud or from welfare cuts for failure to comply with economic self sufficiency requirements are not eligible for rent reductions.

B. Effective Date of Adjustments

Residents will be notified in writing of any rent adjustment including effective date of the adjustment.

- 1. Rent decreases go into effect the first of the month following the reported change. Income decreases reported or verified after the tenant accounting cut-off date will be effective the first of the second month with a credit retroactive to the first month.
- 2. Rent increases (except those due to misrepresentation) require 30 days notice and become effective the first of the second month.

(A) Lease Termination Procedures

A. General Policy: Lease Termination

No resident's lease shall be terminated except in compliance with HUD regulations and the lease terms 76. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence.

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking.

Under this section the Housing Authority may bifurcate the lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence.

This does not eliminate the Housing Authority to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated.

B. Notice Requirement

1. No resident shall be given a Notice of Lease Termination without being told by MHA in writing the reason for termination.
 - The resident must also be informed of his/her right to request a hearing in accordance with the Grievance Procedure, and be given the opportunity to make such a reply as he/she may wish.
 - Lease terminations for certain actions are not eligible for the Grievance Procedure, specifically: any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or MHA employees; and any drug-related criminal activity 77
2. Notice of lease termination may be served personally, by certified mail or posted on the apartment door.
3. Notice shall include a statement describing right of any resident with a disability to meet with the manager and determine whether a reasonable accommodation could eliminate the need for the lease termination.

C. Record Keeping Requirements

A written record of every termination and/or eviction shall be maintained by MHA, and shall contain the following information:

- Name of resident, race and ethnicity, number and identification of unit occupied;
- Date of the Notice of Termination and any other state or local notices required, which may be on the same form and run concurrently;
- Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;
- Date and method of notifying resident; and
- Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

IX. Utilities

In some of MHA's developments, residents pay the cost of certain utilities directly to the supplier. At these properties, resident rents are reduced by an Allowance for Utilities developed by MHA in consultation with the utility supplier and reviewed by HUD 78

A. Resident Paid Utilities

The following requirements apply to residents living in developments with resident-paid utilities.

1. Each resident will receive a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied.
2. When a resident's Total Tenant Payment is less than the utility allowance, MHA will pay a utility reimbursement, equal to the difference between one month's total tenant payment and the utility allowance, to the resident.
3. When the utility supplier offers a "Budget" payment plan, it shall be suggested to the resident to use this plan because it protects the resident from seasonal fluctuations in utility bills and ensures adequate heat in the winter.
4. If an applicant is unable to get utilities connected because of a previous balance owed the utility company at a prior address, applicant will not be admitted and will receive Notice of Rejection.
5. Paying the utility bill is the resident's obligation under the Authority's lease. Failure to pay utilities is grounds for lease termination and eviction.

X. Flat Rents

Flat Rents

A. Flat rents are market-based rents. They vary by unit size and type and also by development location. Once each year, at the annual re-certification, all residents are offered the choice of paying an income based rent of the Flat rent. Flat rents represent the actual market value of MHA's housing units. MHA will take the following information into account in developing its Flat rent Schedule:

- Rents of non-assisted rental units in the immediate neighborhood;

- Size of MHA’s units compared to non-assisted rental units from the neighborhood;
- Age, type of unit and condition of MHA’s units compared to non-assisted rental units from the neighborhood;
- Land use in the surrounding neighborhood;
- Amenities (childcare, laundry facilities, playgrounds, community rooms, social services, education/job training programs, etc.) at MHA’s properties and in the surrounding neighborhood;
- Crime in MHA’s developments and the surrounding neighborhood;
- Quality of local schools serving each MHA development;
- Availability of public transportation at each MHA development; and
- Availability of accessible units for persons with mobility impairments.

B. Annual Update of Flat Rents

MHA shall review the Flat Rent structure annually and adjust the rents as needed. When a resident chooses Flat rent, his/her rent shall be adjusted only at the next regular re-examination/re-certification rather than at the point the Flat rent may change.

C. Re-certification of Families on Flat Rents

Families paying flat rents are required to re-certify income only every two years, rather than annually, although they are still required to participate in an Annual Re-examination in order to ensure that unit size is still appropriate and Community Service requirements (if applicable) are met.

XI. Definitions and Procedures to be used in Determining Income and Rent

A. Annual Income⁷⁹

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

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse family for cash or assets invested in the business;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.

If the Family has Net Family Assets in excess of \$5,000.00, Annual Income shall include the greater of the actual income derived from all Net Family Assets of a percentage of the value of such Assets based on the current passbook rate as determined by HUD;

4. The full amount of periodic payments received from Social Security, annuities insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts {see B.14. below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits};
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (But see B.3. below concerning treatment of lump-sum additions as Family Assets);
6. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and
8. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph B.7. below concerning pay for exposure to hostile fire).

B. Items not included in Annual Income⁸⁰

Annual Income does not include the following;

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see paragraphs 4 and 5 above if the payments are or will be periodic in nature);
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide (see Section 12 of these policies);
6. The full amount of student financial assistance paid directly to the student of the educational institution;
7. The special pay to a family member in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
 - (a) Amounts received under HUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);
 - (b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (c) Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
 - (d) A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200.00/ month) received by a public housing resident for performing a service for the MHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident

initiatives coordination. No resident may receive more than one such stipend during the same period of time;

- (e) Incremental earnings and/or benefits resulting to any family member from participation in qualifying state of local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the MHA;
9. Temporary, non-recurring, or sporadic income (including gifts);
 10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
 12. Adoption assistance payments in excess of \$480 per adopted child;
 13. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, **will not be increased during the exclusion period.** For purposes of this paragraph, the following apply:
 - (a) State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the MHA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services s one-time payments, wage subsidies and transportation assistance- provided that the total amount over a six-month period is at least \$500.00.
 - (b) During the 12 month period beginning when the member first qualifies for a disallowance, the MHA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income shall be excluded.
 - (c) Regardless of how long it takes a resident to work for 12 months (to qualify for the first exclusion) or the second 12 months (to qualify for the second

exclusion), the maximum period for the disallowance (exclusion) is 48 months.

- (d) The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission (unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed).
14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
 15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
 16. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
 17. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed as necessary.)

The following is a list of benefits excluded by other Federal Statute:

- The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017(h)];
- Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044(g), 5088];

Examples of programs under this Act include but are not limited to:

-the Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;

-National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;

-Small Business Administration Program such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retire Executives (SCORE), and Active Corps of Executives (ACE).

- Payments received under the Alaska Native Claims Settlement Act [43 USC. 1626 (a)];
- Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [25 USC. 459(e)];
- Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program [42 USC 8624 (f)];
- Payment received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552 (b)];
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub, L. 94-540, 90 Stat 2503-04];
- The first \$2,000.00 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims [25USC 1407-08] or from funds held in trust for an Indian Tribe by the Secretary of the Interior [25 USC 117b, 1407]; and
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 uu].
 - Examples of Title IV programs include but is not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
- Payments received from programs funded under Title IV of the Older Americans Act of 1965 [42 USC 3056 (f)]:
 - Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;
- Payments received under the Marine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 94 Stat. 1785);

- The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (**42 USC 9858q**);
- Earned income tax credit refund payments received on or after January 1, 1991 (**26 USC 32 (j)**);
- Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;

C. Anticipating Annual Income⁸¹

If it is not feasible to anticipate income for a 12-month period, the Authority may use the annualized income anticipated for a shorter period, subject to an Interim Adjustment at the end of the shorter period. (This method would be used for teachers who are only paid for 9 months, or for tenants receiving unemployment compensation).

D. Adjusted Income⁸²

Adjusted income (the income upon which rent is based) means Annual Income less the following deductions and exemptions:

For All Families

- 1. Child Care Expenses-**A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which Annual Income is computed. **BUT ONLY** when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (a) the amount of income earned by the family member released to work; or (b) an amount determined to be reasonable by MHA when the expense is incurred to permit education or to seek employment.
- 2. Dependant Deduction-** An exemption of \$480.00 for each member of the family residing in the household (other than the head of household, or spouse, Live-in Aide, foster child) who is under eighteen years of age or who is eighteen years of age or older and is disabled, of a full-time student.
- 3. Work-related Disability Expenses-** A deduction of unreimbursed amount paid for attendant care of auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed, In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.

- a. For non-elderly families and elderly or disabled families without medical expenses; the amount of the deduction equals the cost of all unreimbursed expense less three percent of Annual

APPENDIX A

**HOUSING OPPORTUNITIES FOR
BATTERED WOMEN
AND
CHILDREN**

Section 6 of the United States Housing Act of 1937 has been amended to state as follows;

- (A) A public housing agency may not terminate assistance to a resident(s) on the basis of an incident or incidents of actual or threatened domestic violence, dating violence or stalking against that participant.
- (B) Criminal activity directly relating to domestic violence, threatened violence, or stalking will not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.
- (C) Criminal activity directly relating to domestic violence or stalking shall not be considered cause for termination of tenancy for any

- resident or immediate member of a residents family who is a victim of the domestic violence or stalking.
- (D) The public housing agency must, when notified, honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution of possessions of property among the household members in cases where a family breaks up.
 - (E) A public housing agency may terminate assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.
 - (F) a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance , or otherwise penalizing the victim of such violence.
 - (G) A public housing agency may request that an individual certify via a HUD approved certification from that the individual is a victim of domestic violence, dating violence, or stalking and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator.
 - (H) A public housing agency may terminate assistance to individuals who engage in criminal acts of physical violence against family members or others.

HOUSING AUTHORITY

OF

THE CITY OF MILLVILLE

“ONE STRIKE AND YOU’RE OUT”

POLICY

ADOPTED: 11/2008

THE HOUSING AUTHORITY OF THE CITY OF MILLVILLE

“One Strike & You’re Out Policy”

During his January 23, 1996 State of the Union Address, President Clinton challenged local housing authorities to adopt and implement a policy denying assistance to criminal gang members and drug dealers, drug users and those who abuse alcohol and to provide a framework for the eviction of residents who commit crime and peddle drugs.

Effective June 25, 2001, the Department of Housing & Urban Development has adopted final rules which set forth regulations for implementing fair, effective and comprehensive policies for screening out program applicants who engage in illegal drug use or other criminal activity, and for evicting or terminating assistance of persons who engage in such activity.

The Housing Authority of the City of Millville hereby adopts this revised policy to be known as the “One Strike and You’re Out” Policy in order to assure that:

1. People receiving housing assistance who engage in drug and other criminal activity will face certain and swift eviction and/or termination of assistance.
2. People receiving housing assistance who engage in drug and other criminal activity will be denied public housing as well as those persons who live in the offending tenant’s household.
3. People receiving housing assistance who engage in alcohol related abuse to the extent that it interferes with health, safety and/or the right of other public housing residents, assisted tenants and neighbors of public housing residents and assisted tenants to have peaceful enjoyment of the premises will face certain and swift eviction and/or termination of assistance.
4. Public housing residents, assisted tenants and their neighbors will be free from threats to their personal and family safety.
5. Residents of households receiving housing assistance can pursue the work and educational opportunities necessary to remove themselves from dependence upon housing assistance and attain self-sufficiency.

A. The Guiding Principles of the Policy

1. All individuals whether or not residents of an assisted housing unit or complex have the right to live in peace and be free from fear, intimidation and abuse.
2. Because of the extraordinary demand for affordable rental housing, public and assisted housing should be awarded to responsible individuals.
3. Because those residents who engage in criminal, alcohol, or drug related activities are often members of the household of the applicant, people receiving assistance should be screened and all residents should remain under scrutiny in order to deter illegal activity by all residents, their guests or any person under the tenant's control instead of only the applicant or head of the household.
4. Applicants and current residents who receive housing assistance must be protected from discrimination and violation of their right to privacy.

B. Implementation of the Policy

1. All applicants and members of their household should be screened for evidence of criminal activity, alcohol abuse and drug related activity prior to being granted housing assistance as an indication of future conduct.

Screening may be performed by:

- a) Questioning the applicant and all members of the applicant's household as to any criminal, drug related or alcohol related activity in which they have been involved in or in which any member of their household has been involved.
- b) Obtaining the consent of the applicant and all adult members of the applicant's household to obtain and review credit or payment histories, references of prior landlords, the National Crime Information Center, police and court records, probation officer, parole officer and local social service provides relating to all persons over the age of 16 who wish to receive, whether directly or indirectly, housing assistance. Under Federal law an adult is defined as a person who is 18 years of age or older or has been convicted of a crime as an adult under any Federal or State law although state law may allow review of criminal records of persons under the age of 18 in certain instances. The Authority or landlord may also receive information as to juveniles to the extent that the release of such information is authorized by state or local law. The Authority may rely upon any evidence it deems credible, including but not limited to,

newspaper reports, complaints of neighbors and evidence of criminal activity or evidence of criminal complaints filed against the assisted tenant, even if the criminal complaint did not result in a conviction.

- c) Assuring that applicants, assisted tenants, and members of their household understand the importance of the One Strike Policy prior to the granting of assistance to the applicant or prior to continuing assistance to a tenant.
 - d) Having each applicant and member of the applicant's household who is 16 years old or older acknowledge, in writing, their understanding of the One Strike Policy prior to a determination of the applicant's request for assistance. This acknowledgment should be accomplished through the policy disclosure form attached hereto as Exhibit "A"
 - e) In screening the applicant or tenant, the Authority's focus should not be on whether the applicant or tenant happens to have a disability.
2. All persons currently receiving assistance and/or living in one of the Authority buildings and all members of their household must be advised of the One Strike Policy at the time that any housing assistance agreement or lease is executed or amended. This should be accomplished as follows:
- a) By assuring that the lease or agreement provided to assisted tenants contains references to this One Strike Policy and specifies that those persons engaged in criminal or drug or alcohol related activities will be evicted and/or deprived of future assistance. The lease and/or lease addendum must also provide that housing assistance will be terminated and/or the assisted resident will be evicted if criminal activity is engaged in by an assisted tenant or assisted resident either on or off such premises. Assistance will also be terminated and/or the assisted resident will be evicted if a guest, visitor, member of the assisted tenants household or any other person under the assisted tenant's control engages in criminal activity while on or at the leased premises.
 - b) By posting in conspicuous locations at housing authority offices and residential premises signs describing the nature and effect of the One Strike Policy in the form attached hereto as Exhibit "B".
 - c) By having each head of the assisted household and each member of the household of 16 years of age or older acknowledge, in writing, their

understanding of the One Strike Policy. This should be accomplished by having each resident execute the form attached hereto as Exhibit "A".

3. A copy of this policy may be provided to the Judge of the Superior Court of New Jersey, Law Division who presides over the county landlord/tenant Court. A copy of this policy should also be provided to the City of Millville police chief, as well as to the Adult Probation Department, the City of Millville Prosecutor, the County Prosecutor and the Department of Corrections Bureau of Parole and Judge of the Municipal Court. The Authority should also attempt to communicate with the recipients of copies of this policy to explain the purpose of the policy and to request their assistance with the implementation of this policy as it is recognized that this policy can only deter criminal behavior if there is a common understanding of the policy and cooperative enforcement effort by all those involved in effectuating this policy.

C. Prohibited Activities/Reasons for Denial or Termination

1. The following is a list of prohibited activities. This list is intended to offer guidelines as to prohibited conduct. Specific causes for denial/termination, by individual program, follow the list of prohibited activities. Determinations shall be made on a case by case basis and based upon the best evidence available to the Authority. The individual's propensity to commit crime, engage in criminal behavior, engage in the illegal use of a controlled substance, or abuse alcohol may be considered based upon the individual's history.

Generally, no one shall pose a threat to the life, health, safety or peaceful enjoyment of the residents and neighbors. This applies to the assisted tenants, members of their household, guests, and persons over whom the assisted tenant has control. Such prohibited activities include, but are not limited to the following:

- a. Crimes against property such as burglary, larceny, and robbery;
- b. Violent crimes such as murder, accessory to murder, battery, and assault;
- c. Crimes that impose a financial hardship such as vandalism, arson, and malicious mischief;

- d. Crimes that disturb the peace such as nuisance, loitering, prostitution, excessive noise, fighting, harassment, and child abandonment;
 - e. Drug-related criminal activity such as the sale, manufacture, possession, or use of illegal controlled substances, or the illegal sale, possession, or use of other controlled substances not in accordance the prescribed use of the substance; and
 - f. Alcohol-related abuse.
 2. For all programs, all instances related to drug and alcohol activity, the Authority shall consider rehabilitation in determining whether to deny admission or terminate assistance to any person. The Authority shall consider whether such person:
 - a. Has successfully completed a supervised drug and alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abusing alcohol (as applicable); or
 - b. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abusing alcohol (as applicable); or
 - c. Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abusing alcohol (as applicable).
3. For all programs, the Authority shall provide the applicant or assisted family the opportunity to exclude a household member in order to be admitted to the housing program (or continue to reside in the assisted unit), where the household member has participated in or been culpable for action or failure to act that warrants denial (or termination).
4. For all programs, the Authority shall request and obtain information regarding applicants from drug treatment facilities in accordance with federal regulations.
5. Prior to the Authority denying admission to any program on the basis of a criminal record, the Authority must notify the household of the proposed action to be based on the information. The Authority must provide the subject of the

record and the applicant with a copy of the criminal record and an opportunity to dispute the action in accordance with “Section D. Determination of Violation; Ineligibility for Assistance to Applicants For HAGC Subsidized Programs or Participants Receiving Assistance Pursuant to the Section 8 Program” of this policy.

6. For all programs and the purposes of this policy, covered person shall mean a tenant, any member of the tenant’s household, a guest, or other person under the tenant’s control.
7. For all programs and the purposes of this policy, the Authority shall determine 3 years as the period of time which an applicant must not have engaged in prohibited activities.
8. For all programs and the purposes of this policy, the term “currently engaging in” shall mean that the person has engaged in the behavior recently enough to justify reasonable belief that the behavior is current.
9. For the Public Housing Program only, when the Authority evicts an individual or family for criminal activity, it must notify the local post office that serves the dwelling unit in which the individual or family is no longer residing.
10. For the Public Housing Program, the Authority must perform sufficient screening to determine that the behavior of the family is suitable for tenancy. The Authority MAY prohibit admission if it is not satisfied with the applicant’s screening, which includes, but not limited to, the following.
 - a. An applicant’s past performance in meeting financial obligations, especially rent.
 - b. A record 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 tenants; and
 - c. A history of criminal activity involving crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.
11. For the Public Housing Program, the Authority MUST prohibit admission for the following reasons:

- a. Three (3) years from the date of eviction from federally assisted housing for drug- related criminal activity.
- (1) The Authority may admit the household if it determines:
- i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Authority; or
 - ii. The circumstances leading to the eviction no longer exist.
- b. The Authority determines that any household member is currently engaging in illegal drug use. For the purposes of this policy, “currently engaging in” shall mean “that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual’s behavior is current.”
 - c. The Authority has reasonable cause to believe that a household member’s illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - d. The Authority must permanently prohibit 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.
 - e. The Authority must prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The Authority must perform necessary criminal history background checks in New Jersey and in any other State where the household members are known to have resided
 - f. The Authority must prohibit admission if it has reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the enjoyment of the premises by other residents.
12. The Authority MUST terminate the tenancy of any Public Housing resident, in accordance with the provisions of the Public Housing lease, who engages in the following drug related or criminal activity.

- a. If the Authority determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
13. The Authority MAY terminate tenancy, in accordance with the lease, of a Public Housing resident under the following circumstances.
- a. If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or is a high misdemeanor, or violating a condition of probation or parole imposed under Federal or State law.
 - b. The Authority may evict the tenant by judicial action for criminal activity if it determines that the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.
 - c. The Authority may evict a family when it determines that a household member is illegally using a drug or when it determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - d. Drug related criminal activity engaged in, on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control, is grounds for the Authority to terminate tenancy.
 - e. Any criminal activity by a covered person that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, including the Authority's management, or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy.
 - f. If the Authority determines that a household member has engaged in abuse or pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

- f. The Authority must prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The Authority must perform necessary criminal history background checks in New Jersey and in any other State where the household members are known to have resided.
15. The Authority MAY prohibit admission to the Section 8 Housing Choice Voucher Program if it determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission:
- a. Drug-related criminal activity;
 - b. Violent criminal activity;
 - c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - d. Other criminal activity which may threaten the health or safety of the owner, property management staff or Authority staff performing administrative functions.
16. The Authority MAY terminate the assistance of any Section 8 Housing Choice Voucher Participant who engages in the following drug related or criminal activity.
- a. If any household member is currently engaged in any illegal use of a drug;
or
 - b. A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - c. If the Authority determines that any tenant, household member, guest, or other person under the tenant's control engages in drug-related criminal activity, on or near the premises, that threatens the health, safety or right to peaceful enjoyment of the residents and persons residing in the immediate vicinity of the premises.
 - d. If any household member engages in violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful

enjoyment of the residents and persons residing in the immediate vicinity of the premises.

- e. If any household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises by other residents.
17. The Authority MUST terminate the assistance of any Section 8 Housing Choice Voucher Participant who engages in the following drug related or criminal activity.
- a. If the Authority determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
18. For the Section 8 Moderate Rehabilitation Program, the Authority MUST prohibit admission for the following reasons:
- a. Three (3) years from the date of eviction from federally assisted housing for drug-related criminal activity.
 - (I) The Authority admit the household if it determines:
 - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Authority; or
 - ii. The circumstances leading to the eviction no longer exist.
 - b. The Authority determines that any household member is currently engaging in illegal drug use. For the purposes of this policy, "currently engaging in" shall mean "that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current."
 - c. The Authority has reasonable cause to believe that a household member's illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

- d. The Authority 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.
 - e. The Authority must permanently prohibit 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.
 - f. The Authority must prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The Authority must perform necessary criminal history background checks in New Jersey and in any other State where the household members are known to have resided.
19. The Authority MAY prohibit admission to the Section 8 Moderate Rehabilitation Program it determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission:
- a. Drug-related criminal activity;
 - b. Violent criminal activity;
 - c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - d. Other criminal activity which may threaten the health or safety of the owner, property management staff, or Authority staff performing administrative functions.
20. The Authority MAY terminate assistance of any Section 8 Moderate Rehabilitation Participant who engages in the following activity;
- a. If any tenant, household member, guest, or other person under the tenant's control is currently engaged in any drug-related criminal activity on or near the premises;

- b. If a household member is illegally using a drug or if a pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - c. If the Authority determines that any household member is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor;
 - d. If the Authority determines that any household member is violating a condition of probation or parole imposed under Federal or State Law;
 - e. If the Authority determines that any household member is engaging in criminal activity that threatens the health, safety, or right of peaceful enjoyment of the premises by other residents or by persons residing in the immediate vicinity of the premises;
 - f. If the Authority determines that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.
21. The Authority MUST terminate the assistance of any Section 8 Moderate Rehabilitation Participant who engages in the following drug-related or criminal activity.
- a. If the Authority determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing it must immediately and permanently terminate assistance.
22. For the Section 8 New Construction Program, the Authority MUST prohibit admission for the following reasons:
- a. Three (3) years from the date of eviction from federally assisted housing for drug- related criminal activity.

- (1) The Authority may admit the household if it determines:
 - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the Authority; or
 - ii. The circumstances leading to the eviction no longer exist.
 - b. The Authority determines that any household member is currently engaging in illegal drug use. For the purposes of this policy, “currently engaging in” shall mean “that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual’s behavior is current.”
 - c. The Authority has reasonable cause to believe that a household member’s illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - d. The Authority 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.
 - e. The Authority must permanently prohibit 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.
 - f. The Authority must prohibit admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The Authority must perform necessary criminal history background checks in New Jersey and in any other State where the household members are known to have resided.
23. The Authority MAY prohibit admission to the Section 8 New Construction Program if it determines that:
- a. Any household member is currently engaged in, or has engaged in any of the following during a reasonable time before the admission:

- (1) Drug-related criminal activity;
 - (2) Violent criminal activity;
 - (3) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - (4) Other criminal activity which may threaten the health or safety of the owner, property management staff, or Authority staff performing administrative functions.
24. The Authority **MUST** terminate the tenancy of any Section 8 New Construction Participant who engages in the following drug related or criminal activity.
- a. If the Authority determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
25. The Authority **MAY** terminate the tenancy of any Section 8 New Construction Participant who engages in the following drug or criminal activity.
- a. If any tenant, household member, guest, or other person under the tenant's control engages in drug-related criminal activity, on or near the premises, that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
 - b. If any household member is illegally using a drug or a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - c. If any household member engages in any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises).
 - d. If any household member engages in any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences in the immediate vicinity of the premises.

- e. If any household member is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor.
- f. If any housing member is violating a condition of probation or parole imposed under Federal or State Law.
- g. If any household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of other residents and person residing in the immediate vicinity of the premises by other residents.

D. Determination of Violations: Ineligibility for Assistance to Applicants for HAGC Subsidized Housing Programs or Participants Receiving Assistance Pursuant to the Section 8 Program

1. **PRELIMINARY INITIAL DETERMINATION:** A preliminary initial determination of a violation of the One Strike Policy and thus, a determination of ineligibility for assistance for an applicant or assisted tenant shall be made by an HAGC staff person having responsibility for the applicant or assisted tenant and shall be based upon the evidence available to the Authority from the sources set forth in Section (B)1 above.
2. Following a preliminary initial determination that an applicant for assistance or assisted tenant, or a member of the assisted tenant's household has violated the One Strike Policy and thus, is ineligible to receive assistance from the Authority or that their current assistance should be terminated by the Authority, the findings of the case worker or administrative officer shall be presented to a designated Superior so that a formal initial determination of ineligibility may be made.
3. **NOTICE OF PRELIMINARY INITIAL DETERMINATION:** If the Authority determines that the applicant, assisted tenant or a member of the applicant or assisted tenant's household is ineligible for assistance, the Authority shall, within five (5) days of making such a determination, provide written notice to the applicant or assisted tenant, of the initial determination. The notice of this initial determination shall be mailed to the applicant or assisted tenant by certified mail, return receipt requested and ordinary mail. In the alternative, the notice of the initial determination may be personally served or personally delivered to the applicant or assisted tenant, provided that the applicant or assisted tenant or member of the assisted tenant's household acknowledges receipt of the notice in

writing or the Authority employee who personally serves the Notice executes a certification of service in the form attached hereto as Exhibit “C”.

The Notice of Initial Determination shall follow the form attached hereto as Exhibit “D” and shall state that the Authority has made an informal determination of a violation of the One Strike Policy and thus ineligibility for assistance based upon the evidence available to the Authority. A brief description of the evidence shall be provided to the applicant or assisted tenant together with notice that the applicant or assisted tenant may request an informal hearing to dispute the evidence relied upon by the Authority or to offer evidence of mitigating factors. The Notice shall further provide that the applicant or assisted tenant may request an informal hearing before the designated Hearing Officer provided that the hearing is requested within 10 days of receipt by the applicant or assisted tenant of the Notice of the informal determination. If requested by the applicant or assisted tenant, the evidence relied upon by the Authority in making its initial determination and a copy of this policy shall be provided to the applicant or assisted tenant prior to the informal hearing.

Before taking any adverse action based upon conduct prohibited by this policy, the Authority must provide the applicant or assisted tenant with the evidence relied upon by the Authority and an opportunity to dispute the accuracy and relevancy of the evidence. This opportunity to dispute the evidence can be at the informal hearing.

4. **APPEAL BY APPLICANT OR ASSISTED TENANT:** If an applicant or assisted tenant files a request with the Authority within ten (10) days, the Authority shall schedule the matter for an informal hearing within ten (10) days of receipt of the applicant’s or assisted tenant’s request for an informal hearing. The applicant or assisted tenant shall be given written notice of the date, time and location for the informal hearing at least five (5) days prior to the date of the informal hearing. Further, said notice shall also state that the applicant or assisted tenant may be represented by any person, including an attorney of their choice, at the hearing but that the applicant or assisted tenant must still appear at the informal hearing.

5. **INFORMAL HEARING:** The informal hearing shall be conducted by the designated Hearing Officer for the Authority and will be tape recorded. As this hearing will be an informal one, the rules of the Superior Court of New Jersey will not be applicable. During the hearing, the Authority and/or the Authority’s legal counsel shall present the evidence relied upon by it in making its initial determination which supports its initial determination that there was a violation of the One Strike Policy. Such evidence may include but is not limited to testimony from law enforcement officials, probation officers, parole officers, Authority employees, landlords, local service employees relied upon by the Authority, news

reports and stories that support the Authority initial determination. Such testimony may be live or sworn written testimony. The applicant or assisted tenant or their attorney or other representative may present evidence in order to dispute or mitigate the Authority's evidence. Further, the applicant or assisted tenant or their attorney will have the opportunity to question the Authority's witnesses and likewise the Authority will have the opportunity to question the applicants or assisted tenant's witness.

6. **NOTICE OF FINAL DETERMINATION:** Within five (5) days of the informal hearing, the Authority shall mail by ordinary mail and certified mail, return receipt requested, or hand deliver, a Notice of Final Determination to the applicant or assisted tenant. The Notice shall state the reason for the Authority's final determination and specify the evidence relied upon. If the final determination is that the One Strike Policy was violated and thus, the tenant's assistance will be terminated, the Authority shall specify the date when the Authority's assistance will cease. The date that the Authority's assistance will terminate will be at least 30 days from the date of the applicant's or assisted tenant's receipt of the final determination. If it is determined that the One Strike Policy was violated and thus the tenant's assistance will be terminated, the assisted tenant's landlord shall be notified, in writing, that the tenant is no longer eligible to receive housing assistance after a certain date. The notice to the landlord will not specify why the tenant is no longer eligible for assistance.

7. **APPEAL TO THE EXECUTIVE DIRECTOR:** If the Notice of Final Determination states that the Authority finds the One Strike Policy was violated and that thus, the applicant is not eligible to receive assistance or the assisted tenant's assistance will be terminated, the Notice shall also state that the applicant or assisted tenant may request an appeal of the Final Determination to the Executive Director of the Authority. The Notice shall state that the applicants or assisted tenant's request for an appeal shall be in writing and received by the Authority within ten (10) days after the applicant's or assisted tenant's receipt of the Notice of Final Determination. The request for appeal to the Executive Director shall not operate to stop the running of the thirty (30) days from the date of the final determination upon which the Authority's assistance to the tenant will be terminated as stated herein in paragraph number 6.

Upon the Executive Director's receipt of the request for appeal, the Executive Director will review the evidence from the informal hearing and will make a determination to either uphold the Final Determination or reverse it. The applicant or assisted tenant will then be notified of the Executive Director's decision by ordinary mail and certified mail, return receipt requested.

8. **NO APPEAL BY APPLICANT OR ASSISTED TENANT:** If the applicant or assisted tenant does not dispute the Authority's initial determination with ten (10) days of receipt of the notice of the initial determination it shall become the Authority's final determination. The Authority shall then provide the applicant or assisted tenant with written notice of the final determination by certified mail, return receipt requested and ordinary mail.

9. **CONTINUED HOUSING ASSISTANCE BY AGREEMENT:** If the evidence relied upon by the Authority in making an initial determination, as set forth in paragraph (a) herein, relates to a member of the assisted tenant's or applicant's household, or a guest of the assisted tenant, the Authority and the assisted tenant or applicant may agree that the Authority will continue housing assistance or commence housing assistance payments conditioned upon the removal of the offending family member or guest from the residential unit or agree that the offending family member or guest will be excluded from receiving either direct or indirect assistance from the Authority. Said Agreement must be in writing, signed by the Authority, the head of the household and the offending family member or guest. The agreement shall provide that the offending family member or guest may not visit or stay overnight in the assisted rental unit and may not enter upon the Authority's property or property occupied by the assisted tenant whose residence therein is facilitated by the assistance provided by the Authority. The agreement should also acknowledge that, if the offending family member or guest does enter Housing Authority property or property occupied by the assisted tenant, the offending family member or guest shall be treated as a trespasser and prosecuted to the fullest extent of the law'.

E. Determination of Violations: Evictions of Persons Who Violate One Strike Policy

1. **PRELIMINARY DETERMINATION:** A preliminary initial determination of a violation of the One Strike Policy and thus, a determination that an assisted tenant that is a resident (hereinafter an "assisted resident") of one of the Authority's buildings should be evicted from said building shall be made by an HAGC staff person having responsibility for the resident. Said preliminary initial determination shall be based upon the best evidence then available to the Authority.

2. **FOR DETERMINATION:** Following a preliminary initial determination that an assisted resident or a member of the household has violated the One Strike Policy and thus, the assisted resident should be evicted from the Authority's building, the findings of the HAGC staff person shall be presented to a designated Superior so that a formal initial determination of violation and resultant eviction may be made.

3. **NOTICE OF TERMINATION OF LEASE:** If the Authority determines that there has been a violation of the One Strike Policy by the assisted resident or a member of the assisted resident's household and thus, the assisted resident should be evicted, the Authority shall, within five (5) days of making such a determination, provide a written notice of termination of lease to the assisted resident. The notice of termination shall be mailed to the assisted resident by certified mail, return receipt requested and ordinary mail. In the alternative, the notice may be personally served or personally delivered to the assisted resident or member of the assisted resident's household provided that the assisted resident or member of the assisted resident's household acknowledges receipt of the notice in writing or the Authority employee who personally serves the notice executes a certification of service in the form attached hereto as Exhibit "C".

The Notice of Termination of the Lease shall follow the form attached hereto as Exhibit "E" and shall state that the Authority has made a determination of a violation of the One Strike Policy and thus a determination of ineligibility for Public Housing Assistance upon the evidence available to the Authority. The notice shall also state that the Authority has also determined that the assisted resident should be evicted and that thus, eviction proceedings, against the assisted resident will be commenced within the Superior Court of New Jersey, Millville, Special Civil Part, by way of a summary dispossession action. The notice shall also make a demand for possession telling the assisted resident that he/she must leave and vacate the Authority's property on or before the date stated for termination of the lease.

The Notice of Termination shall also state that as HUD has determined that the eviction procedures in the Special Civil Part, Superior court of New Jersey provide the opportunity for a hearing and affords the assisted resident with due process and thus, the assisted resident is not entitled to a grievance hearing on the termination of the lease.

4. **CONTINUED OCCUPANCY BY AGREEMENT:** If the evidence relied on by the Authority in making an initial determination, as set forth in paragraph 1 herein, relates to a member of the Assisted Resident's Household, or a guest of the assisted resident, or some other person under the assisted resident's control, the Authority and the assisted resident may agree that the lease under which the assisted resident occupies the leased premises, can be amended to include a restriction barring the offending family member, guest or other party from the residential unit. Said agreement must be in the form of an Amended Lease, in writing, signed by a representative of the Authority and the assisted resident. The Amended Lease shall provide that the offending family member, guest or other party may not visit or stay overnight on the leased premises and may not enter upon the authority's property or property occupied by the assisted resident. The Amended Lease shall also acknowledge that, if the offending family member,

guest, or other party does enter the leased premises, such party shall be treated as a trespasser and prosecuted to the fullest extent of the law, and that such action shall also be a substantial violation of the lease that may allow an eviction action to be taken against the assisted resident.

F. Records Management.

1. The Authority shall establish and implement a system of records management that ensures that any criminal record received by the Authority is:
 - a) maintained confidentially;
 - b) not improperly disseminated; and
 - c) destroyed, once the purpose for which the record was requested has been accomplished.

G. Definitions

Authority: means Housing Authority of the City of Millville, its agents, servants or employees.

Applicant: means any applicant to the Authority for prospective housing assistance under any housing assistance program.

Assisted tenant: means any tenant who is currently receiving some form of housing assistance from the Authority.

Assisted resident: means any assisted tenant who lives in a unit owned or managed by the Authority.

Drug-related criminal activity: shall include the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Head of the household: means the primary beneficiary of the housing assistance from the Authority.

Housing Assistance: means any form of assistance or subsidy provided by the Housing Authority.

Members of the head of the household's household: shall include anyone else residing in the same residential unit occupied by the head of the household.

Violation (In the case of Section 8 Recipient or Assisted Resident in units other than Public Housing Units) of One Strike Policy: A finding that prohibited activities have been committed at or near the leased premises.

Violation (In the case of Assisted Resident in Public Housing Units) of One Strike Policy: A finding that prohibited drug related or violent criminal activities have been committed on or off the leased premises, or, any other prohibited activities have been committed on or near the leased premises.

**For Termination of Assistance
in Section 8 Leases Pursuant to
“One Strike You’re Out” Policy**

Participant’s Name

Address

City, NJ XXXXX

Dear Participant:

This form is to acknowledge that you have received and read the attached One Strike & You’re Out Policy.” Further, by signing this acknowledgement below, you are stating that if you or any member of your household, or other person under your control, violates the attached “One Strike & You’re Out Policy”, the Housing Authority of the City of Millville will have the right to terminate your assistance.

Participant’s Name

Date

Household Member

Date

(EXHIBIT “A”)

**For Termination of Lease for
Public Housing Pursuant to
“One Strike You’re Out” Policy**

Participant’s Name

Address

City, NJ XXXXX

Dear Participant:

This form is to acknowledge that you have received and read the attached ‘One Strike & You’re Out Policy.’ Further, by signing this acknowledgement below, you are stating that if you or any member of your household, or other person under your control, violates the attached ‘One Strike & You’re Out Policy’, the Housing Authority of the City of Millville will have the right to terminate your lease, evict you and your household members.

Participant’s Name

Date

Household Member

Date

(EXHIBIT “A”)

THE HOUSING AUTHORITY OF THE CITY OF MILLVILLE

‘ONE STRIKE & YOU’RE OUT POLICY’

BE WARNED! The Housing Authority of the City of Millville has the legal right to terminate assistance to the tenants and members of their household that receive same and has the legal right to have tenants and members of their household evicted if you or a member of your household or other person under your control have engaged in or been convicted of criminal activity, drug-related criminal activity, or alcohol abuse, regardless of whether such activity occurs on the residential premises. In addition, your assistance may be terminated and/or you and members of your household may be evicted if a guest or person under your control engages in criminal activity, drug- related criminal activity, or alcohol abuse while on the residential premises.

If your assistance is terminated based upon violation of this One Strike & You’re Out Policy, you will not be eligible for housing assistance for three years.

Some examples of prohibited conduct are:

Burglary	Assault	Malicious Mischief
Larceny	Battery	Drug(s): use
Robbery	Vandalism	possession
Murder	Arson	manufacture
Fighting	Nuisance	distribution
Loitering	Excessive noise	alcohol abuse
Harassment		

(EXHIBIT “B”)

**For Personal Service of Notice of Initial
Determination of a Violation of the Housing
Authority of the City of Millville “One Strike
and You’re Out” Policy for Section 8 Leases**

This will acknowledge that on this date I personally served upon _____ an assisted tenant, a Notice of Initial Determination relating to the Authority’s determination that assistance be terminated as a result of a member of his/her household’s or guest’s violation of the Authority’s “One Strike & You’re Out Policy”.

DATED _____

BY: _____

Position

Additional remarks:

(EXHIBIT “C”)

**For Personal Service of Notice of Lease
Termination of a Violation of the
Housing Authority of the City of Millville
“One Strike and You’re Out’ Policy**

This will acknowledge that on this date I personally served upon _____
an assisted resident, a Notice Terminating Lease relating to the Authority’s
determination that the lease be terminated as a result of the violation of the
Authority’s “One Strike & You’re Out Policy”.

DATED _____

BY: _____

Position

Additional remarks:

(EXHIBIT “C”)

**NOTICE OF INITIAL DETERMINATION OF A VIOLATION
OF THE HOUSING AUTHORITY OF MILLVILLE
“ONE STRIKE & YOU’RE OUT POLICY”**

Name

Date

Address

Dear

:

This will advise you of the Initial determination reached by the Housing Authority of Millville that you, a guest, or member of your household has violated the Authority’s “One Strike & You’re Out Policy”. As a result of the violation, the Authority intends to terminate your housing assistance thirty (30) days from the date of this notice.

The Authority has based its informal determination upon the following evidence and Information:

If you wish to dispute the above-referenced finding in order to continue receiving housing assistance, you must do so by requesting an Informal hearing before the Authority’s designated Hearing Officer. If you wish to have an Informal hearing on this matter, you must make a written request to the Authority which must be received by the Authority within ten (10) days of receipt by you of this notice. If you fail to make a timely request for an informal hearing, the Authority will terminate its assistance to you without further notice. You should be aware that If your assistance by the Authority is terminated, you will not be eligible to receive housing assistance from the Housing Authority of Millville or another Housing Authority for a period of three years.

Page 1 of 2

(EXHIBIT “D”)

If you have made a timely request for an informal hearing, a hearing date will be scheduled by the Authority. Prior to the informal hearing, you may request the opportunity to review the evidence relied upon by the Authority in making its informal determination. You also have a right to receive a copy of the Authority's "One Strike & You're Out" Policy prior to the informal hearing you will have the opportunity to dispute the evidence relief upon by the Authority and you may also present your own evidence and witnesses to dispute the Authority's initial determination. You must bring all witnesses and evidence, upon which you intend to rely, to the informal hearing.

Very truly yours,

**HOUSING AUTHORITY OF
THE CITY OF MILLVILLE**

BY: _____

Certified & Regular Mail

Page 2 of 2

(EXHIBIT "D")

NOTICE TERMINATING LEASE

TO: _____, Tenant

This is to advise you that I am Counsel for the Housing Authority of Millville. Further, the purpose of this notice is to advise you as follows:

1. **Present Lease.** You now rent Apartment _____ located at _____.
2. **Termination of Lease.** Your lease is TERMINATED (ended) as of _____, 2 _____.
3. **Demand for Possession.** You must leave and vacate this rented property on or before that date (date of termination). This means you must move out and deliver possession to the Housing Authority of Millville.
4. **Reason.** Your lease is terminated because you engaged in criminal activity or drug related criminal activity in the apartment building where you reside. That activity is prohibited pursuant to the "One Strike You're Out Policy".
5. **PLEASE TAKE NOTE** that pursuant to the One Strike You're Out Policy, you are not entitled to a grievance hearing on this termination of your lease.
6. **Eviction.** The Authority is will file, with the Superior Court of New Jersey, Special Civil Part, a Summary Dispossess Complaint against you on or after the date of termination of this lease in order to obtain a judgment of possession and have you evicted from the apartment.
7. **Hearing.** H.U.D. has determined that the Special Civil Part, Superior Court of New Jersey, eviction procedure provides the opportunity for a

hearing that affords the basic elements of due process as defined by H.U.D. in 24 C.F.R § 966.53(C).

Very truly yours,

By: _____

COUNSEL FOR HOUSING AUTHORITY
OF THE CITY OF MILLVILE

Dated: _____

(EXHIBIT “E”)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB

0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

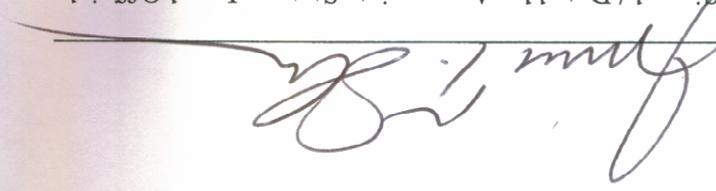
(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: 4c	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: <p style="text-align: center;">n/a</p> Congressional District, if known:	
6. Federal Department/Agency: HUD	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: <p style="text-align: center;">\$</p>	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i> <p style="text-align: center;">None</p>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: <u></u> Print Name: <u>Paul Dice</u> Title: <u>Executive Director</u> Telephone No. <u>856-825-8860</u> Date: _____	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

**Certification by State or Local Official of PHA Plans Consistency with the
Consolidated Plan**

I, James T. Shannon the Mayor of Millville Housing Authority is consistent with the Consolidated Plan of
City of Millville prepared pursuant to 24 CFR Part 91.

Signed / Dated by Appropriate State or Local Official



**PHA Certifications of Compliance with the PHA Plans and Related Regulations:
Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ___ 5-Year and/or Annual PHA Plan for the PHA fiscal year beginning _____, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

Millville Housing Authority

NJ 061

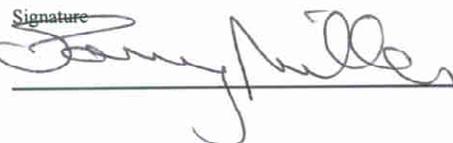
PHA Name

PHA Number/HA Code

5-Year PHA Plan for Fiscal Years 20__ - 20__

Annual PHA Plan for Fiscal Years 20__ - 20__

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official Larry Miller	Title Chairperson
Signature 	Date 7.8.09

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

MILLVILLE Housing Authority

Program/Activity Receiving Federal Grant Funding

Capital Fund

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- b. Establishing an on-going drug-free awareness program to inform employees ---
- (1) The dangers of drug abuse in the workplace;
- (2) The Applicant's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;
- d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompanying herewith, is true and accurate. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official
Paul Dice

Signature

Title

Executive Director

Date

2. Statement of Financial Resources

[24 CFR Part 903.79 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2009 grants)		
a) Public Housing Operating Fund	1,879,055.	PH Operations
b) Public Housing Capital Fund	1,290,018.	PH Capital Imp
c) HOPE VI Revitalization	0	
d) HOPE VI Demolition	0	
e) Annual Contributions for Section 8 Tenant-Based Assistance	1,417,784.	Section 8 HAP Admin. FSS
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	0	
g) Resident Opportunity and Self-Sufficiency Grants	45,320.	PH FSS
h) Community Development Block Grant	0	
i) HOME	0	
Other Federal Grants (list below)	0	
2. Prior Year Federal Grants (unobligated funds only) (list below)		
	0	
3. Public Housing Dwelling Rental Income		
	1,386,728.	PH Operations

FY 2000 Annual Plan Page 10

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
4. Other income (list below)		
Excess Utilities	21,000.	PH Operations
Non Dwelling Rent/Interest	92,700.	PH Operations
4. Non-federal sources (list below)		
Social Service Block Grant	52,434.	PH Supportive Svcs
PEER	34,834.	PH Supportive Svcs
Total resources		

**Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary**

PHA Name: Housing Authority of the City of Millville NJ	Grant Type and Number Capital Fund Program Grant No: NJ39PO6150108 Replacement Housing Factor Grant No:	Federal FY of Grant: 2008
--	--	-------------------------------------

Original Annual Statement X Reserve for Disasters/Emergencies Performance and Evaluation Report for Period Ending: **Revised Annual Statement (revision no.) Performance and Evaluation Report**

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations	\$60,554.48		\$60,554.48	\$60,554.48
3	1408 Management Improvements	\$111,000	\$86,000	\$86,000.00	\$86,000.00
4	1410 Administration	\$56,900		56,900.00	\$56,900.00
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$10,000	\$0.00		
8	1440 Site Acquisition				
9	1450 Site Improvement	\$11,800		\$11,800	0
10	1460 Dwelling Structures	\$94,285	\$129,285	\$89,817.28	\$89,817.28
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1501 Collaterization or Debt Service	\$224,803.52		\$224,803.52	\$112,946.51
20	1502 Contingency				
21	Amount of Annual Grant: (sum of lines 2 – 20)	\$569,343			
22	Amount of line 21 Related to LBP Activities				
23	Amount of line 21 Related to Section 504 compliance				
24	Amount of line 21 Related to Security – Soft Costs	\$111,000			
25	Amount of Line 21 Related to Security – Hard Costs				
26	Amount of line 21 Related to Energy Conservation Measures				

Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

Part II: Supporting Pages

PHA Name: The Housing Authority of the City of Millville		Grant Type and Number Capital Fund Program Grant No: NJ39PO6150108 Replacement Housing Factor Grant No:				Federal FY of Grant: 2008		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
NJ39PO61001	Ferguson Ct.	1460	2 Buildings	\$23,000	0	0	0	
	HollyBerry Ct.	1460	1 Building	\$15,000	0	0	0	
	Rehab Vacant Units	1460	1 Units	\$5,000	\$3,950	\$3,950	\$3,950	Done
NJ39PO61002	RiverView West	1460	N/A	\$30,185	\$27,185	\$27,185	\$27,185	Done
	Roof Repairs	1460	N/A	0	\$4,250	\$4,250	\$4,250	Done
NJ39PO61004	RiverView East	1460	N/A	\$3,000	\$4,250	\$4,250	\$4,250	Done
	Landscaping	1450	N/A	\$2,000	0	0	0	
	Plumbing /excavation & video piping/floor repair	1460	N/A	0	\$18,658	\$18,658	\$37,918.78	Done
NJ39PO61007	Cedarview Ct.	1450	N/A	\$7,600	0			
	Replace Mailboxes	1450	N/A	\$2,200	0			
NJ39PO61008	Jaycee Plaza	1460	N/A	\$5,000	0			
	Exterior Brick Repairs	1460	N/A	\$5,000	0			
NJ39PO61009	Scattered Sites	1460	1 Unit	\$4,900	\$66,092	\$46,831.22	7363.50	Pending
	Replace Roofing/ Systems/Flooring							
NJ39PO61010	MauriceView Plaza	1460	1 Unit	\$3,200	0			
	Convert Tubs to Showers							
All Sites	Administration	1410	N/A	\$56,900				
	Security Guards	1408	N/A	\$86,000				
	Debt Service	1501	N/A	\$224,803.52				
	A&E Services	1430	N/A	\$10,000				
	Operations	1406	N/A	\$60,554.48				

Capital Fund Program Five-Year Action Plan

Part I: Summary

PHA Name The Housing Authority of the city of Millville						<input checked="" type="checkbox"/> original 5-Year Plan
						<input type="checkbox"/> Revision No:
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: 2009 PHA FY: 2010	Work Statement for Year 3 FFY Grant: 2010 PHA FY: 2011	Work Statement for Year 4 FFY Grant: 2011 PHA FY: 2012	Work Statement for Year 5 FFY Grant: 2012 PHA FY: 2013	
	Annual Statement					
NJ39PO61-001a Ferguson Court		24,400	12,000	18,000	10,848	
001b Holly-Berry Court		19,130	53,383	31,762	17,000	
002 Riverview West		5,000	5,762	9,680	17,550	
004 Riverview East		9,000	18,540	9,000	15,000	
007 Cedarview Ct		16,200	1,000	6,000	3,000	
008 Jaycee Plaza		5,000	12,800	16,000	26,000	
009 Scattered Sites		4,000	4,000	12,978	15,000	
010 Maurice View		6,000	7,500	6,762	14,892	
All Sites		259,512.92	232,193.08	236,413.98	231,985.20	
Debt Service		\$221,100.08	\$2221,164.92	\$222,747.02	\$218,067.80	
CFP Funds Listed for 5-year planning		\$569,343	\$569,343	\$569,343	\$569,343	
Replacement Housing Factor Funds						

Section 6 of the United States Housing Act of 1937 has been amended to state as follows;

- (A) A public housing agency may not terminate assistance to a resident(s) on the basis of an incident or incidents of actual or threatened domestic violence, dating violence or stalking against that participant.
- (B) Criminal activity directly relating to domestic violence, threatened violence, or stalking will not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.
- (C) Criminal activity directly relating to domestic violence or stalking shall not be considered cause for termination of tenancy for any resident or immediate member of a residents family who is a victim of the domestic violence or stalking.
- (D) The public housing agency must, when notified, honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution of possessions of property among the household members in cases where a family breaks up.
- (E) A public housing agency may terminate assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.
- (F) a public housing agency under this section may bifurcate a lease under this section, in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance , or otherwise penalizing the victim of such violence.
- (G) A public housing agency may request that an individual certify via a HUD approved certification from that the individual is a victim of domestic violence, dating violence, or stalking and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator.
- (H) A public housing agency may terminate assistance to individuals who engage in criminal acts of physical violence against family members or others.