

Housing Authority of the Township of Middletown

Tenant Selection Plan Alice V. Tomaso Plaza

**Adopted: January 14, 2026
Resolution: 2026-27**

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Introduction

This Tenant Selection Plan (“Plan”) has been created by the Housing Authority of the Township of Middletown (“Housing Authority”) for the building known as Alice V. Tomaso Plaza. This building is funded by the U.S. Department of Housing and Urban Development (“HUD”) pursuant to the Section 8 New Construction program (“Program”). The purpose of the Plan is to establish reasonable and objective standards for the Housing Authority to address various matters involving applicants to and residents of Alice V. Tomaso Plaza in compliance with existing laws and regulations.

Housing Opportunity Through Modernization Act (“HOTMA”) Compliance

In accordance with HUD Notices H-2023-10 and H-2024-04, this Plan shall not be fully implemented until the Housing Authority’s HOTMA Compliance Date (the date by which HUD’s Tenant Rental Assistance Certification System (“TRACS”) 203A will be operational and the Housing Authority’s software will be compliant with TRACS 203A).

Until the HOTMA Compliance Date, the Housing Authority shall continue to follow its prior Plan with regard to the following subject matters:

- Annual Income Definitions
- Annual Income Exclusions
 - Exception: enrollment for the Earned Income Disregard (“EID”) ended on December 31, 2023, but families already enrolled as of that date may continue receiving the EID benefit until their remaining timeframe expires.
- Specific Types of Income/Assets
- Calculation of Income
- Mandatory Deductions
- Permissive Deductions
- Hardship Exemptions for Deductions
- Self-Certification of Assets
- Interim Reexaminations

All other provisions of this Plan shall be implemented upon adoption. This shall specifically include the following subject matters (in accordance with Section J of HUD Notice H 2023-10):

- Updated Consent Forms
- Safe Harbor Income Verification
- Verification Hierarchy
- Verification of Social Security Numbers
- Zero Income Reviews

Fair Housing and Equal Opportunity

I. Anti-Discrimination Policy

It is the Housing Authority’s policy to fully comply with all Federal, State of New Jersey, and local laws, regulations, and rules governing fair housing and equal opportunity in housing. The Housing Authority shall not discriminate against applicants and/or residents on the basis of race, color, religion, sex, creed, national origin, familial status, disability, sexual orientation, gender identity, marital status, or any other characteristic protected by law. Accordingly, the Housing Authority shall not, on the basis of legally protected characteristic:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the Program;
- Treat a person differently in determining eligibility or other requirements for admission;
- Provide different terms, conditions or privileges in connection with the rental of a dwelling, or provide different services or facilities in connection with the rental of a dwelling;
- Subject anyone to segregation or disparate treatment;
- Restrict anyone's access to any benefit enjoyed by others in connection with the Program;
- Steer an applicant or resident toward or away from a particular area;
- Discriminate in the provision of residential real estate transactions;
- Discriminate against someone because they are related to or associated with a member of a protected class;
- Make, print, publish or cause to be made, print, or published any notice, statement, or advertisement with respect to the rental of a dwelling that indicates any preference, limitation, or discrimination on the basis of a protected characteristic;
- Represent that a dwelling is not available for inspection or rental when such dwelling is in fact so available; or
- Induce or attempt to induce any person to rent or vacate any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons with a protected characteristic.

In addition, the Housing Authority shall comply with a Fair Housing and Affirmative Marketing Plan when opening its Waiting List and/or conducting marketing activities.

The Housing Authority shall also take affirmative steps to ensure that Limited English Proficiency (“LEP”) persons can effectively participate in or benefit from the Program. An LEP person is someone who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

II. Reasonable Accommodations

The Housing Authority will provide reasonable accommodation to applicants and/or residents with disabilities, provided that the requested accommodations do not fundamentally alter the nature of the program, service, or activity, and do not cause an undue financial or administrative burden.

A reasonable accommodation is a change, exception, or adjustment to a policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. A reasonable accommodation is also a modification or alteration of a dwelling unit or physical system that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

The Housing Authority will ask applicants and residents if they require any type of reasonable accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by the Housing Authority, by including the following language:

If you or anyone in your family is a person with a disability, and you require a specific accommodation in order to fully utilize our programs and services, please contact the Housing Authority.

When the Housing Authority receives a reasonable accommodation request, and the need for the requested accommodation is not readily apparent or known to the Housing Authority, the applicant/resident will be requested to provide supporting documentation from a physician, psychiatrist, or other medical professional. The supporting documentation must establish both that the applicant/resident has a disability and that the requested accommodation will be effective in improving the applicant/resident's ability to enjoy their dwelling.

Applicants and/or residents shall submit reasonable accommodation requests to the Housing Authority in writing. The Housing Authority will promptly consider reasonable accommodation requests on a case-by-case basis. The applicant/resident will be notified of the Housing Authority's decision in writing. If the requested accommodation is rejected because it is determined to be not reasonable, then the Housing Authority will discuss with the applicant/resident whether an alternative accommodation could effectively address their disability-related needs. If a reasonable alternative accommodation cannot be identified through this interactive process, then the Housing Authority shall notify the applicant/resident in writing. The Housing Authority will keep a list of all requests for reasonable accommodation, as well as the disposition of each request (i.e. granted or denied).

The Housing Authority will handle all reasonable accommodation requests and all associated data, information, documentation, and files in a confidential manner. Housing Authority employees shall not access, possess, use, disclose, copy, download, replicate, remove, share, transfer, email, reference, or discuss these materials by any means whatsoever, except to complete legitimate assigned job duties and responsibilities. Any discussion of applicant/resident reasonable accommodation requests and all associated data, information, documentation and files shall be limited to those individuals who are on a "need to know" basis only. Housing Authority employees

shall store all reasonable accommodation requests and all associated data, information, documentation, and files in a manner sufficient to prevent access by unauthorized individuals.

III. Violence Against Women Act Protections

The Violence Against Women Act (“VAWA”) protects housing assistance applicants and residents who have been victimized by domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

An applicant or tenant shall not be denied admission, denied assistance, terminated from participation, or evicted from housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

An applicant or tenant shall not be denied admission, denied assistance, terminated from participation, or evicted from housing solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:

1. The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant; and
2. The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as:

1. A serious or repeated violation of the lease by the victim or threatened victim of such incident; or
2. Good cause for terminating the assistance, tenancy, or occupancy rights of the victim or threatened victim of such incident.

The Housing Authority shall provide each of its applicants and each of its tenants a notice of occupancy rights under VAWA and a certification form to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault or stalking.¹

Victims of domestic violence, dating violence, sexual assault or stalking may be required to provide documentation of victim status. Victims of domestic violence may optionally certify their victim status (utilizing Form HUD-5382), which includes naming their abusers, if known, to qualify for these protections.

Current tenants who are victims of domestic violence, dating violence, sexual assault or stalking may request an emergency transfer from the tenant’s unit to another unit. The Housing Authority

¹ 24 C.F.R. 5.2005.

has an Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Victims may fill out the Emergency Transfer Request form for the Housing Authority when making the request for the transfer (utilizing Form HUD-5383).

The identity of the victim and all information provided to the Housing Authority relating to the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be retained in confidence by the Housing Authority and shall not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is: (1) requested or consented to by the individual in writing; (2) required for use in an eviction proceeding; or (3) otherwise required by applicable law. The Housing Authority shall retain all VAWA documentation in a separate file that is kept in a separate secure location from other tenant files.²

IV. Anti-Harassment Policy

The Housing Authority prohibits the harassment of applicants and/or residents on the basis of any legally protected characteristic. While it is not easy to define precisely what harassment is, it includes but is not limited to stalking, slurs, epithets, threats, derogatory or demeaning comments or references, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, cyber-bullying, drawings, hate symbols, or images, and other similar verbal, written, printed or physical conduct.

V. Anti-Sexual Harassment Policy

The Housing Authority prohibits the sexual harassment of applicants and/or residents. Sexual harassment occurs when an individual is subject to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by which submission to such conduct is made either explicitly or implicitly a term or condition of an individual's housing; submission to or rejection of such conduct by an individual is used as the basis for housing decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's housing or creating an intimidating, hostile or offensive housing environment.

VI. Filing a Complaint

Any applicant or resident who has a complaint regarding discrimination, reasonable accommodation, harassment, sexual harassment, or retaliation may submit a written complaint to the Housing Authority's Executive Director addressed as follows:

Housing Authority of the Township of Middletown
2 Oakdale Drive
Middletown, New Jersey 07748
Attention: Executive Director
Subject: Confidential Housing Matter

² HUD Handbook 4350.3, p.4-9.

Complaints will be promptly investigated by the Housing Authority at the direction of the Executive Director. Investigations will be conducted confidentially to the extent practicable and appropriate to protect the privacy of the persons involved. Interviews may be conducted with the parties involved in the complaint and, if necessary, any individuals who may have relevant knowledge or who have a legitimate need to know about the matter. **All persons interviewed shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interest of all concerned.** At the conclusion of the investigation, both parties will be advised of the decision made and of any corrective action taken. If the investigation substantiates the complaint, then appropriate corrective action will be swiftly pursued.

VII. Anti-Retaliation

The Housing Authority shall not retaliate against any individual who complains about discrimination, reasonable accommodation, harassment, or sexual harassment, or against any individual who assists in the investigation of any such complaints.

Appropriate action will be taken against any individual who is found to have retaliated against a complainant or retaliated against any individual who assists in the investigation of a complaint, even if the original complaint is determined to be unfounded.

Eligibility Requirements

I. Project Eligibility

Applicants must satisfy the following requirements to be eligible for occupancy and housing assistance:

1. Compliance with the regulatory definition of family.³ Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - (1) A single person, who may be: (i) an elderly person, displaced person, disabled person, near-elderly person, or any other single person; (ii) an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or
 - (2) A group of persons residing together, and such group includes, but is not limited to: (i) a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); (ii) an elderly family; (iii) a near-elderly family; (iv) a disabled family; (v) a displaced family; and (vi) the remaining member of a tenant family.

³ 24 C.F.R. 5.403; HUD Notice H-2015-06.

2. The family must include at least one person who is disabled or sixty-two (62) years of age or older at the time of initial occupancy.⁴
3. The family's annual income must not exceed the Low Income limit established by HUD (as adjusted annually).⁵
 - a. Effective April 1, 2025, the Low Income Limit is \$72,950.00 for a family of one, \$83,400.00 for a family of two, \$93,800.00 for a family of three, and \$104,200.00 for a family of four.
 - b. Income received by all family members must be counted unless specifically excluded by HUD regulations.
4. Effective on the HOTMA Compliance Date, the family must have net family assets that do not exceed \$100,000.00 (subject to annual adjustment by HUD).⁶
 - a. The Housing Authority is not required to verify the valuation of net family assets if the family certifies that the value does not exceed \$50,000.00 (subject to annual adjustment by HUD).⁷
5. At least one family member must be a citizen, national, or noncitizen with eligible immigration status.⁸
 - a. Applicants must submit evidence of citizenship status when they apply to the Program.
 - i. Citizens and nationals shall provide: (1) a signed declaration of citizenship or nationality; and (2) any verification requested by the Housing Authority (e.g. passport or other documentation specified in HUD guidance).⁹
 - ii. Noncitizens who will be sixty-two (62) years of age or older at the time of admission shall provide: (1) a signed declaration of eligible immigration status; and (2) an acceptable proof of age document.¹⁰
 - iii. Noncitizens who will not be sixty-two (62) years of age or older at the time of admission shall provide: (1) a signed declaration of eligible immigration

⁴ 24 C.F.R. 880.612a; HUD Handbook 4350.3 (p.3-46).

⁵ 24 C.F.R. 5.653(b)(1).

⁶ 24 C.F.R. 5.618(a)(1)(i).

⁷ 24 C.F.R. 5.618(b)(1).

⁸ 24 C.F.R. 5.506(b).

⁹ 24 C.F.R. 5.508(b)(1).

¹⁰ 24 C.F.R. 5.508(b)(2).

status; (2) acceptable evidence of immigration status; and (3) a signed verification consent form.¹¹

- b. A signed declaration, under penalty of perjury, must be completed for each family member contending eligible citizen, national, or immigration status. For each child, the declaration must be signed by an adult household member who is responsible for the child.¹²
- c. A signed consent form must be completed for each family member under sixty-two years of age contending eligible immigration status. For each child, the form must be signed by an adult household member who is responsible for the child.¹³
- d. The Housing Authority shall perform primary verification of eligible immigration status using the Systematic Alien Verification for Entitlements (“SAVE”) system.¹⁴ If SAVE does not confirm eligible immigration status, the Housing Authority shall request that U.S. Citizenship and Immigration Services (“USCIS”) perform a manual records search.¹⁵
- e. Families that include eligible and ineligible individuals are considered mixed families and may request prorated assistance based on the HUD formula.¹⁶
- f. Families that fail to provide evidence of citizenship or eligible immigration status within the required timeframe, or cannot be verified as having eligible immigration status, shall be denied assistance.¹⁷
 - i. The notice of denial of assistance will explain the reasons for the denial, state whether the family is eligible for prorated assistance, state the criteria and procedures for obtaining relief for the preservation of the family, and state that the family may appeal to USCIS, and state that the family may request an informal hearing with the Housing Authority.¹⁸
 - ii. The notice must also inform the family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the hearing process.¹⁹

¹¹ 24 C.F.R. 5.508(b)(3).

¹² 24 C.F.R. 5.508(c).

¹³ 24 C.F.R. 5.508(d).

¹⁴ 24 C.F.R. 5.512(c)(1).

¹⁵ 24 C.F.R. 5.512(d).

¹⁶ 24 C.F.R. 5.520(a),(d).

¹⁷ 24 C.F.R. 5.514(c).

¹⁸ 24 C.F.R. 5.514(d)(1)-(5).

¹⁹ 24 C.F.R. 5.514(d)(6).

- iii. The hearing with the Housing Authority may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process.²⁰
6. The applicant and all members of the household must completely and accurately disclose their social security numbers (“SSN”) and provide acceptable SSN documentation (e.g. SSN card issued by the U.S. Social Security Administration) to the Housing Authority.²¹
 - a. These requirements do not apply to noncitizens who do not contend eligible immigration status, or to individuals who were sixty-two (62) years of age or older as of January 31, 2010 and whose initial determination of eligibility was begun before January 31, 2010.²²
 - b. If the applicant family requests to add a new household member who is under six (6) years old and does not have an assigned SSN, the family shall be required to provide the complete and accurate SSN for the child within ninety (90) days of the child being added to the household.²³
 - c. Families that do not meet the SSN disclosure, documentation, and verification requirements shall be denied assistance.²⁴
7. All adult household members must sign and submit consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies.²⁵ Families that fail to sign and submit consent forms, or that subsequently revoke consent, will have their assistance denied.²⁶
8. The family must agree to pay the rent required by the Program.
9. The family must be suitable for tenancy under the Housing Authority’s screening procedures.

II. Sole Residence Requirement

A family is eligible for assistance only if the assisted unit will be the family’s only residence. The Housing Authority shall not provide assistance to applicants who will maintain a residence in addition to the assisted unit.²⁷

²⁰ 24 C.F.R. 5.514(d)(5).

²¹ 24 C.F.R. 5.216(b),(g).

²² 24 C.F.R. 5.216(a),(e)(1); HUD Handbook 4350.3 (p.3-18).

²³ 24 C.F.R. 5.216(e)(2).

²⁴ 24 C.F.R. 5.218(a).

²⁵ 24 C.F.R. 5.230.

²⁶ 24 C.F.R. 5.232.

²⁷ HUD Handbook 4350.3 (p.3-22 to 3-23).

Effective on the HOTMA Compliance Date, the family must not have a present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property that is suitable for occupancy by the family.²⁸

- A property is considered suitable for occupancy unless it does not meet the disability-related needs of the family, is not sufficient for the size of the family, is geographically located so as to be a hardship for the family (e.g. commuting to work and/or school), it is not safe to reside in because of the physical condition of the property, or it is not a property that may be inhabited by the family under the State or local laws of the jurisdiction where the property is located.²⁹
- The Housing Authority may accept a certification from the family that it does not have any present ownership interest in any real property.³⁰
- This restriction shall not apply to a person who is a victim of domestic violence, dating violence, sexual assault, or stalking.³¹

III. Student Eligibility

No assistance shall be provided to a student at an institution of higher education who: (1) is under twenty-four (24) years of age; (2) is not married; (3) is not a veteran of the U.S. Military; (4) does not have a dependent child; (5) is not a person with a disability; (6) is not living with their parents who are receiving assistance; and (7) is not individually eligible to receive assistance or has parents who are not income eligible to receive assistance.³²

For a student to be eligible independent of their parents (where the income of the parents is not relevant), they must demonstrate the absence of or independence from their parents. At a minimum, the student must: (1) be at least eighteen (18) years of age; (2) have established a household separate from their parents or legal guardians for at least one year prior to their application or meets the U.S. Department of Education’s definition of an independent student; (3) not be claimed as a dependent by their parents or legal guardians pursuant to IRS regulations; and (4) obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support (even if no assistance will be provided).³³

The Housing Authority will perform the following actions to determine student eligibility:

- Verify the student’s age.

²⁸ 24 C.F.R. 5.618(a)(1)(ii).

²⁹ 24 C.F.R. 5.618(a)(2).

³⁰ 24 C.F.R. 5.618(b)(2).

³¹ 24 C.F.R. 5.618(a)(1)(ii)(C).

³² HUD Handbook 4350.3 (p. 3-40).

³³ HUD Handbook 4350.3 (p.3-40 to 3-41).

- Review previous address information to determine whether a separate household has been established or determine whether the U.S. Department of Education’s definition of independent student has been met.
- Review prior year income tax returns to determine if a parent or guardian has claimed the student as a dependent (except if the student meets the Department of Education’s definition of independent student.)
- Review the parent(s) support certification(s). Financial assistance that is provided by persons not living in the unit is part of annual income.
- Verify the amount of financial assistance the student receives from other sources. Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with their parents who are receiving Section 8 assistance.³⁴

Application Procedures

I. Opening/Closing the Waiting List

The Housing Authority will conduct advertising/marketing activities in accordance with a HUD-approved Affirmative Fair Housing Marketing Plan and applicable legal requirements.³⁵

The Housing Authority will open the Waiting List as needed to ensure that there are enough applicants to fill its vacancies. The Housing Authority will give public notice through publication in a newspaper of general circulation and other suitable means.³⁶ The notice will specify where, when, and how applications are to be received.

Those interested in tenancy must fully complete and return the Housing Authority’s application form (including Form HUD-92006) by the deadline specified in the notice. All applications will be date and time stamped based upon when they were received by the Housing Authority. If an applicant is unable to complete an application due to disability and/or Limited English Proficiency, the Housing Authority will offer an alternative method of completing an application. If an application is incomplete or received after the deadline, the Housing Authority shall notify the applicant via correspondence that they will not be placed on the Waiting List.

The Housing Authority may close the waiting list when the estimated waiting period for housing applicants on the list reaches twelve (12) months for the most current applicants.³⁷ The Housing

³⁴ HUD Handbook 4350.3 (p.3-41; 3-81).

³⁵ 24 C.F.R. 880.601(a)(2).

³⁶ See HUD Handbook 4350.3 (p.4-40).

³⁷ See 24 C.F.R. 880.603(b)(1).

Authority will give public notice through publication in a newspaper of general circulation and other suitable means.³⁸

II. Income Targeting

At least 40% of the units that become available for occupancy in any given fiscal year shall be available for leasing only by Extremely Low Income Families.³⁹ Not more than 25% of the dwelling units shall be available for leasing by Low Income Families (other than Extremely or Very Low Income Families).⁴⁰

- Effective April 1, 2025, the Extremely Low Income Limit is \$28,750.00 for a family of one, \$32,850.00 for a family of two, \$36,950.00 for a family of three, and \$41,050.00 for a family of four.
- Effective April 1, 2025, the Very Low Income Limit is \$47,900.00 for a family of one, \$54,750.00 for a family of two, \$61,600.00 for a family of three, and \$68,400.00 for a family of four.
- Effective April 1, 2025, the Low Income Limit is \$72,950.00 for a family of one, \$83,400.00 for a family of two, \$93,800.00 for a family of three, and \$104,200.00 for a family of four.

The Housing Authority will monitor progress in meeting the income-targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.⁴¹

III. Preferences

The Housing Authority shall notify all applicants about available preferences and give all applicants an opportunity to show that they qualify for available preferences.⁴² Preferences only affect the order of selection from the Waiting List; they do not make anyone eligible who was not otherwise eligible, and they do not change the Housing Authority's right to adopt and enforce tenant screening criteria.⁴³

The Housing Authority does not currently have any preferences.⁴⁴

All preferences will be verified at the time of application and again at the time the applicant family is nearing the top of the Waiting List. If a preference is denied, the Housing Authority will notify

³⁸ See HUD Handbook 4350.3 (p.4-40).

³⁹ 24 C.F.R. 5.653(c).

⁴⁰ 24 C.F.R. 5.653(d)(1).

⁴¹ 24 C.F.R. 5.655(b)(3).

⁴² 24 C.F.R. 5.655(c); HUD Handbook 4350.3 (p.4-13).

⁴³ HUD Handbook 4350.3 (p.4-12 to 4-13).

⁴⁴ See 24 C.F.R. 5.655(c) for permitted preferences.

the applicant in writing of the reason(s) why the preference was denied and the applicant will generally remain on the Waiting List without the benefit of the preference. However, if the applicant falsified documents or made false statements in order to qualify for any preference, they will be removed from the Waiting List.

Changes in an applicant's circumstances while on the Waiting List may affect their entitlement to a preference. Applicants are required to notify the Housing Authority in writing when their circumstances change.

IV. Review of Applications

The Housing Authority will review each completed application received and make a preliminary assessment of the applicant's eligibility. Applicants must be eligible at the time of application; no exceptions will be made.

If the Housing Authority determines that an applicant is ineligible, the applicant shall not be placed on the Waiting List and the Housing Authority shall notify the applicant via correspondence of the basis for its ineligibility determination.

If the Housing Authority determines that an applicant is eligible, the applicant will be added to the Waiting List according to income classification, applicable preference(s), the type of unit required, and the date and time their completed application was received. The Housing Authority shall notify the applicant via correspondence of the Waiting List placement.

Being placed on the Waiting List does not guarantee the offer of a unit. The applicant can be subsequently rejected for failing one or more of the tenant screening criteria and/or the eligibility criteria when they reach the top of the list.

V. Reporting Requirements

While a family is on the Waiting List, it must inform the Housing Authority, within ten (10) business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing. Changes in an applicant's circumstances while on the Waiting List may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the Waiting List, the Waiting List will be updated accordingly.

VI. Updating the Waiting List

The Waiting List will be updated as needed to ensure that all applicant information is current and timely.

The Housing Authority may periodically send update requests (via email or first-class mail) to each family on the Waiting List to determine whether the family continues to be interested in, and to qualify for, the Program. This update request will be sent to the last mailing address or email address that the Housing Authority has on record for the family. The update request will provide

a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the Waiting List.

The family's response must be in writing and must be delivered by mail, facsimile, email, or, during normal business hours, hand delivery to the Housing Authority's offices. Responses should be received by the Housing Authority not later than ten (10) business days following the issuance of the update request. If the family fails to respond within this timeframe, the family may be removed from the Waiting List without further notice.

If the update request is returned by the post office with a forwarding address, it will be re-issued to the address indicated. The response must be received by the Housing Authority not later than ten (10) business days following the re-issuance of the update request. If the family fails to respond within this time frame, the family may be removed from the Waiting List without further notice.

VII. Removal from the Waiting List

Applicants will be removed from the Waiting List under the following circumstances: (1) the applicant has made a request to be removed; (2) the applicant no longer meets the eligibility requirements for the Program; (3) the applicant does not timely respond to an update request (see above); (4) the applicant does not timely respond to a written notice for an *eligibility interview* (see below); (5) the applicant rejects an offered unit without good cause; (6) mail sent to applicant is returned undeliverable; or (7) the applicant family requires a unit size that does not exist on the property.

The eligibility interview notice will be sent to the last mailing address or email address that the Housing Authority has on record for the family. The notice will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the Waiting List.

The family's response must be in writing and must be delivered by mail, facsimile, email, or, during normal business hours, hand delivery to the Housing Authority's offices. Responses should be received by the Housing Authority not later than ten (10) business days following the issuance of the notice. If the family fails to respond within this timeframe, the family may be removed from the Waiting List without further notice.

If the notice is returned by the post office with a forwarding address, it will be re-issued to the address indicated. The response must be received by the Housing Authority not later than ten (10) business days following the re-issuance of the notice. If the family fails to respond within this time frame, the family may be removed from the Waiting List without further notice.

A family may be reinstated to the Waiting List if the Housing Authority determines their removal was due to an error (e.g. the Housing Authority used an incorrect address when mailing a notice to the applicant) or a failure to timely respond based on circumstances beyond the family's control.⁴⁵

⁴⁵ HUD Handbook 4350.3 (p.4-46).

Selection Procedures

I. Verification Procedures

The Housing Authority shall verify all information provided by the applicant that affects eligibility, order of selection from the Waiting List, level of assistance, and/or ability to comply with lease obligations (including but not limited to payment of rent).

At admission and at the first recertification occurring after January 1, 2024, all adult household members must sign and submit consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies.⁴⁶ Thereafter, the signing of consent forms shall only be necessary if there is a new adult family member, if an existing family member has reached eighteen years of age, or if required by HUD.⁴⁷

The Housing Authority shall perform verifications (using the EIV system and other methods) in accordance with HUD Notice H-2023-10, particularly Attachment J. The Housing Authority shall use the EIV system in its entirety in accordance with HUD Handbook 4350.3, Paragraph 9-8(A) and shall retain copies of all EIV reports in accordance with HUD Handbook 4350.3, Paragraph 9-14. The Existing Tenant Search, which identifies applicants who may be receiving assistance at another multifamily project or PHA location, shall be performed at the time of processing an applicant family for admission. HUD Handbook 4350.3, Paragraphs 9-8(A) and 9-14, and HUD Notice H-2023-10, Attachment J, are attached as Exhibits to this Tenant Selection Plan and are incorporated herein in their entirety.

If information provided by the applicant is found to be intentionally fraudulent or misleading, the applicant will be disqualified and the matter will be referred to HUD for further action(s) against the applicant(s). The Housing Authority reserves the right to reject applicants who make material or substantial misrepresentations in their application documents. All requirements and decisions of the Housing Authority, with respect to tenancy, will be in writing. No individual commissioner of the Housing Authority, and no government official, has the authority to promise or decide which applicants will be admitted.

II. Eligibility Interview

When an appropriate unit will be available in the near future, the Housing Authority shall interview an applicant and obtain current information about the family's circumstances.

At the first eligibility interview, the Housing Authority shall confirm and update all information provided on the application, explain program requirements (including the use of the EIV system), explain the Housing Authority's screening procedures, obtain family income and composition information and other data needed to verify eligibility and calculate the tenant's share of the rent, ask all adult household members to sign consent forms, obtain citizenship documentation, require disclosure and verification of social security numbers, inform the family that a final eligibility

⁴⁶ 24 C.F.R. 5.230.

⁴⁷ HUD Notice H-2023-10, Attachment J.

determination cannot be made until all verifications are complete, provide the required brochures and fact sheets (EIV & You Brochure, Resident Rights and Responsibilities Brochure, and How Your Rent is Determined Fact Sheet), inform the family of fair housing and equal opportunity requirements, and inform the family of pet rules.⁴⁸

Any required documents or information that the family is unable to provide at the interview must be provided within ten (10) business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial.

III. Screening Procedures

The Housing Authority reserves the right to screen applicant families, which may include but not be limited to investigating credit, residency and rent payment history, and criminal history to determine suitability for tenancy pursuant to applicable Federal and State law.

A. Tenancy Application

The application will state that the applicant will be required to disclose whether they are a registered sex offender and/or whether they have ever been convicted of making methamphetamine in Federally-assisted housing. If the applicant discloses that they are a registered sex offender and/or that they have ever been convicted of making methamphetamine in Federally-assisted housing, then the application shall be immediately denied by the Housing Authority. If the applicant indicates that they are not a registered sex offender and have not ever been convicted of making methamphetamine in Federally-assisted housing, then the Housing Authority will continue with the application process.

B. Initial Screening and Rejection Procedures

Generally, New Jersey's Fair Chance in Housing Act prohibits the Housing Authority from inquiring about an applicant's criminal history during the initial interview. However, the Housing Authority may inquire again whether the applicant is a registered sex offender and/or has ever been convicted or making methamphetamine in Federally-assisted housing. If the applicant responds in the affirmative, then the application shall be immediately denied by the Housing Authority. If the applicant responds in the negative, then the Housing Authority will continue with the screening process.

The Housing Authority shall screen applicants using credit reports, prior landlord references, and court records.⁴⁹ The Housing Authority shall consider extenuating circumstances (e.g. disability) that would allow acceptance of an applicant whom the Housing Authority would normally reject.⁵⁰

⁴⁸ HUD Handbook 4350.3 (p.4-47 to 4-49).

⁴⁹ See HUD Handbook 4350.3 (p.4-57).

⁵⁰ HUD Handbook 4350.3 (p.4-62).

The Housing Authority may reject an application under any of the following circumstances:

1. The application was received while the Waiting List was closed.
2. The application was not fully completed.
3. The applicant failed to provide any of the information or documentation required by the Housing Authority.
4. The applicant does not meet the Housing Authority’s eligibility criteria.
5. Any household member has been evicted from federally-assisted housing in the past three (3) years for drug-related criminal activity. The Housing Authority may waive this provision if any household members who were involved in the criminal activity have completed a supervised drug rehabilitation program or are no longer living in the household.⁵¹
6. Any household member is engaged in the illegal use or a pattern of illegal use of a drug that may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents.⁵²
7. Any household member is engaged in the abuse or a pattern of abuse of alcohol that may interfere with the health, safety, and right to peaceful enjoyment by other residents.⁵³
8. A household member has been convicted of producing or manufacturing methamphetamine on the premises of Federally assisted housing.⁵⁴
9. Any household member is subject to a lifetime registration requirement under a state sex offender registration program.⁵⁵
10. The family has a history of unsuitable performance in meeting financial obligations, including but not limited to rent, mortgage payments, and/or credit.
11. The family has a history of violence, disturbance of neighbors, destruction of property, or poor living / housekeeping habits at prior residences.
12. The family has a history of behavior that may adversely affect the health, safety, or welfare of other tenants.
13. The family has a history of eviction from housing or termination from residential programs (considering relevant circumstances).
14. The family has been given a poor reference by a prior landlord.
15. The family is substantially indebted.
16. The family owes rent or other amounts in connection with any assisted housing program.

⁵¹ 24 C.F.R. 5.854(a); HUD Handbook 4350.3 (p.4-19).

⁵² 24 C.F.R. 5.854(b); HUD Handbook 4350.3 (p.4-19).

⁵³ 24 C.F.R. 5.857.

⁵⁴ 42 U.S.C. 1437n(f)(1).

⁵⁵ 24 C.F.R. 5.855; HUD Handbook 4350.3 (p.4-19).

17. The family has misrepresented or failed to provide complete information related to eligibility, preferences for admission, or family composition.
18. The family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
19. The family has engaged in or threatened violent or abusive behavior toward Housing Authority personnel.
 - a. Abusive or violent behavior towards Housing Authority personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
 - b. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
20. The family has demonstrated an inability or unwillingness to comply with the terms of the lease and/or rules and regulations of the building.
21. The family's composition is not appropriate for the unit sizes that are available.
22. The family refuses to occupy the proper unit in accordance with HUD standards.

The Housing Authority shall promptly notify the applicant in writing of the determination, the reason(s) for the determination, the applicant's right to respond in writing or request an informal hearing within fourteen (14) days, and the applicant's right to request HUD review of the Housing Authority's determination.⁵⁶ The informal hearing, if requested, shall not be conducted by a Housing Authority employee who made the initial decision to reject the applicant.

Persons with disabilities have the right to request reasonable accommodations to participate in this meeting. At the meeting, the applicant shall be given an opportunity to present written or oral objections to the Housing Authority's decision. The Housing Authority will advise the applicant in writing of the final decision on eligibility within five (5) business days of receiving the applicant's response or within five (5) business days of the meeting.⁵⁷

The Housing Authority may require an applicant to exclude a household member when that member's past or current actions would prevent the household from being suitable for tenancy.

C. Conditional Offer of Tenancy

If the Housing Authority makes an initial determination that the applicant qualifies for housing based upon the above items, then the applicant will receive a condition offer of tenancy. The conditional offer will be accompanied by a Notice of Disclosure advising that the Housing Authority has the right to review and consider the applicant's criminal history to determine whether it will proceed with the tenancy application.

⁵⁶ 24 C.F.R. 880.603(b)(2); HUD Handbook 4350.3 (p.4-28).

⁵⁷ HUD Handbook 4350.3 (p.4-28).

D. Criminal Background Check

Following the conditional offer of tenancy, the Housing Authority may conduct a criminal background check of each household member. In addition, the Dru Sjodin National Sex Offender Database will be used to conduct a search of sex offender registries in all fifty (50) states.

If a vendor is used to perform a criminal background check, the Housing Authority must take reasonable steps to ensure that the check is compliant with the Fair Chance in Housing Act. If the Housing Authority learns that a check is non-compliant, it must be prepared to show that it did not rely upon that information when determining whether to approve or withdraw a conditional offer of tenancy.

The Housing Authority will consider the following crimes and/or offenses: (1) murder, aggravated sexual assault, kidnapping, arson, human trafficking, sexual assault in violation of N.J.S.A. 2C:14-2 (or equivalent statute in another state), causing or permitting a child to engage in a prohibited sexual act or in the simulation of such an act in violation of N.J.S.A. 2C:24-4 (or equivalent statute in another state), any crime that resulted in lifetime registration in a state sex offender registry, or making methamphetamine in Federally-assisted housing; (2) an indictable offense of the first degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within the six years immediately preceding the issuance of a conditional offer; (3) an indictable offense of the second or third degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within the four years immediately preceding the issuance of a conditional offer; or (4) an indictable offense of the fourth degree that was issued, or if the conviction resulted in a prison sentence that sentence concluded, within one year immediately preceding the issuance of a conditional offer.⁵⁸

The Housing Authority cannot consider criminal arrests or charges that did not result in a criminal conviction, expunged convictions, convictions erased through an executive pardon, vacated and legally nullified convictions, juvenile adjudications of delinquency, or records that have been sealed.

E. Withdrawal of Conditional Offer

The Housing Authority may withdraw a conditional offer of tenancy in writing based upon the applicant's criminal history if the Housing Authority determines, by a preponderance of the evidence, that withdrawal is needed to fulfill a substantial, legitimate, and nondiscriminatory interest, such as ensuring and protecting the safety, health, and welfare of its residents. The Housing Authority will prepare an individualized assessment of each applicant to evaluate whether the applicant jeopardizes, in any way, the overall safety, health, and welfare of every tenant who resides in the development. The Housing Authority will consider the following factors in making this determination:

1. The nature and severity of the offense
2. The age of the applicant at the time of the offense

⁵⁸ N.J.S.A. 46:8-56(b).

3. The recency of the offense
4. Any information the applicant provides in their favor since the offense occurred
5. If the offense were to recur, whether it would impact the safety of other tenants or property
6. Whether the offense happened on, or was connected to, property rented/leased to the applicant

If the Housing Authority wishes to withdraw a conditional offer, it shall provide a written notice that includes: (1) the specific reasons for the withdrawal of the conditional offer; (2) a copy of all information and documentation relied upon by the Housing Authority in making the decision; (3) the right to appeal the decision (i.e. dispute the relevance and accuracy of the criminal record(s) and/or offer evidence of any mitigating facts or circumstances, including but not limited to the person's rehabilitation and good conduct since the criminal offense in question) through a written response or an informal hearing within fourteen days of the notice; (4) the right to an informal hearing conducted by a Housing Authority employee who was not involved in making the decision; (5) the right to request a reasonable accommodation of disability to facilitate your participation in the appeal process; (6) the right to receive a written notice of the Housing Authority's final decision within five business days of your written response or the informal hearing; (7) the right to request HUD review of the Housing Authority's decision; and (8) the right to file a complaint with the N.J. Division on Civil Rights (if they believe the Housing Authority has violated the Fair Chance in Housing Act) without retaliation by the Housing Authority.⁵⁹

If the applicant invokes any of the appeal rights under the notice, the Housing Authority will then conduct a reconsideration of its decision. The Housing Authority will review and assess the information supplied by the applicant. The Housing Authority has five (5) business days following the written response / informal hearing to issue a final decision to the applicant. The notice of the final decision shall advise the applicant that they have the right to request a HUD review and/or file a complaint with the N.J. Division on Civil Rights.

IV. Unit Offers

In selecting a family to occupy a particular unit, the Housing Authority may match family characteristics with the type of unit available, for example, number of bedrooms.⁶⁰ Single persons and couples (other than those with a documented medical condition requiring separate bedrooms) will be offered one-bedroom units. If a unit has special accessibility features for persons with disabilities, the Housing Authority must first offer the unit to families which include persons with disabilities who require such features.⁶¹ If there are no families who require the accessibility features, then the unit may be offered to other families who are willing to sign an agreement to transfer if another family subsequently requires the accessibility features.

Once a final eligibility determination has been made, the Housing Authority shall make a unit offer in writing to the applicant. The unit offer shall specify the location of the unit and the deadline for

⁵⁹ 42 U.S.C. 1437d(q)(2); 24 C.F.R. 880.603(b)(2); HUD Handbook 4350.3 (p.4-28); N.J.S.A. 46:8-56(c),(d); N.J.S.A. 46:8-57(a); N.J.S.A. 46:8-61.

⁶⁰ 24 C.F.R. 5.655(b)(4).

⁶¹ 24 C.F.R. 5.655(b)(4).

the applicant to accept or reject the unit. If an applicant rejects an offered unit, they will be removed from the Waiting List. The applicant will then be provided with a written notice of the removal and may reapply for assistance if and when the Waiting List is open.

If an applicant is moving from an already subsidized unit, assistance in the unit to be vacated must end the day before the subsidy can begin in a new unit with the Housing Authority.

Occupancy Standards

The maximum number of occupants will be two (2) individuals per bedroom. The Housing Authority shall consider all family members, anticipated children, foster adults, and live-in aide(s) when determining compliance with the occupancy standards.⁶²

Residents may request an exception to the occupancy standards in writing. The Housing Authority may grant such a request if it determines that the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

When evaluating exception requests, the Housing Authority will consider the size and configuration of the unit. In no case will the Housing Authority grant an exception that is in violation of State or local laws, regulations, or housing / occupancy codes.

Leasing Process

I. Security Deposit

A security deposit in the amount of one (1) month's rent will be required of each tenant and deposited in a Security Deposit Escrow account with M&T Bank. Pet owners are required to pay a pet deposit of \$300.00 per pet. Assistance animals for persons with disabilities are exempt from the pet deposit requirement. The total security deposit, including the pet deposit, will not exceed one and one half (1.5) month's rent.

The security deposit (including pet deposit) may be utilized by the Housing Authority toward reimbursement for the cost of damages beyond ordinary wear and tear caused by the Tenant, members of the Tenant's household, pets/animals, or the Tenant's guests. The Housing Authority may also use the deposit to ensure full performance of the other obligations of the Tenant contained in the Lease, including the payment of rent and/or other charges. The Housing Authority will return the deposit, plus the Tenant's accrued interest, less any deductions made, within 30 days of the termination of the Lease, the Tenant vacating the unit, or lockout, whichever occurs latest.⁶³ An itemized list of deductions will be given to the Tenant at the same time.

If a tenant is approved for a unit transfer, the Housing Authority will transfer the security deposit to the new unit.⁶⁴

⁶² HUD Handbook 4350.3 (p.3-71).

⁶³ N.J.S.A. 46:8-21.1

⁶⁴ HUD Handbook 4350.3 (p.6-33).

II. Lease

All adult family members will be required to sign the HUD Model Lease (Form HUD-90105-A) and all applicable lease attachments.⁶⁵ The term of the lease shall be not less than one (1) year.⁶⁶ The lease attachments shall include, but not be limited to, Truth in Renting Act brochure; landlord registration certificate, window guard notice, multiple dwelling reporting form, Form HUD-27061-H, Form HUD-50059, Form HUD-50059-A, move-in inspection report, lead-based paint disclosure (if applicable), Form HUD-1141, lead hazard information pamphlet (if applicable), schedule of charges, House Rules, Pet Rules, Live-in Aide Addendum (if applicable), VAWA Notice of Occupancy Rights and Certification Forms, EIV & You Brochure, Resident Rights and Responsibilities Brochure, and How Your Rent is Determined Fact Sheet.⁶⁷

III. Rent

The rent for each unit is established through a contract between the Housing Authority and HUD. Tenants pay 30% of their monthly adjusted income to the Housing Authority as rent.⁶⁸ The difference between the contract rent and the tenant payment is then subsidized by HUD.

The minimum tenant payment (referred to as the “Minimum Rent”) is \$25.00 per month.⁶⁹ However, the Housing Authority shall grant an exception if the family is unable to pay the Minimum Rent due to financial hardship.⁷⁰ Any request for a financial hardship exception must be submitted in writing to the Housing Authority.

If a family requests a financial hardship exception, the Housing Authority shall suspend the Minimum Rent requirement beginning the month following the family’s request and continuing until the Housing Authority determines whether there is a qualifying financial hardship and whether it is temporary or long term.⁷¹

- If it is determined that no qualifying financial hardship exists, the Housing Authority shall reinstate the Minimum Rent, including back rent owed from the beginning of the suspension. The family must pay the back rent on terms and conditions established by the Housing Authority.⁷²
- If the financial hardship is deemed temporary, the Housing Authority must not impose the Minimum Rent during the 90-day period beginning the month following the date of the

⁶⁵ HUD Handbook 4350.3 (p.6-6).

⁶⁶ 24 C.F.R. 880.606(a).

⁶⁷ N.J.S.A. 46:8-46; N.J.S.A. 46:8-29; N.J.A.C. 5:10-27.1(c); HUD Handbook 4350.3 (p.6-7 to 6-8; 6-47).

⁶⁸ HUD Handbook 4350.3 (p.5-67).

⁶⁹ 24 C.F.R. 5.630(a)(3).

⁷⁰ 24 C.F.R. 5.630(b)(1).

⁷¹ 24 C.F.R. 5.630(b)(2).

⁷² 24 C.F.R. 5.630(b)(2).

family's request. At the end of the 90-day suspension period, the Housing Authority must reinstate the Minimum Rent from the beginning of the suspension. The family must be offered a reasonable repayment agreement, on terms and conditions established by the Housing Authority, for the amount of back rent owed by the family.⁷³

- If a financial hardship is deemed long term, the Housing Authority must exempt the family from the Minimum Rent requirements so long as such hardship continues.⁷⁴

Inspections

I. Move-In Inspection

Before executing a lease, the Housing Authority and the tenant must jointly inspect the unit. The Housing Authority shall complete an inspection form to document the condition of the unit. If cleaning or repair is required, the inspection form shall specify the date by which the work will be completed. Both the Housing Authority and the tenant must sign and date the inspection form.⁷⁵

II. Move-Out Inspection

At the conclusion of a tenancy, the Housing Authority shall conduct a move-out inspection. The tenant may choose to attend the inspection, but is not required to do so. The Housing Authority shall complete an inspection form to document the condition of the unit. If the move-out inspection reveals that the unit has been damaged beyond ordinary wear and tear, the Housing Authority may use the security deposit to cover the repair costs.⁷⁶

III. Other Inspections

The Housing Authority will conduct annual inspections at recertification and may conduct special inspections for any of the following reasons: housekeeping; unit condition; suspected lease violation; preventative maintenance; routine maintenance; pest control; follow-up on any of the aforementioned; or reasonable cause to believe an emergency exists. Tenants shall be given advance notice of inspections (where possible) and should be present during inspections.

Recertifications

I. Annual Recertifications

Annual re-certifications are conducted on the anniversary date of the first day of the month in which the tenant moved into the property. The process begins three (3) months in advance and the tenant will receive three (3) reminder notices. Household members and financial information are verified and used to re-compute the tenant's rent and assistance amounts.

⁷³ 24 C.F.R. 5.630(b)(2).

⁷⁴ 24 C.F.R. 5.630(b)(2).

⁷⁵ HUD Handbook 4350.3 (p.6-45).

⁷⁶ HUD Handbook 4350.3 (p.6-44 to 6-46).

The Housing Authority shall conduct annual recertifications in accordance with HUD Notice H-2023-10.

II. Interim Recertifications

The Housing Authority may conduct an interim recertification at any time to address a change in tenant household composition or income, to correct an error in a previous recertification, or to investigate a tenant fraud complaint.

Tenants must notify the Housing Authority within ten (10) days of any change in household composition. Tenants must apply, in advance, to add household members, and must wait for the Housing Authority’s approval before adding the member(s) to their household. The same screening criteria will be used for new household members as is used for applicants.

Tenants must notify the Housing Authority within ten (10) days of any change in household income, including new employment. Tenants may request an interim recertification due to a decrease in income or an increase in allowances or deductions. The Housing Authority may decline to conduct an interim recertification if the change is less than 10% of the family’s annual adjusted income.

Should a tenant fail to provide the information required to complete the recertification process, the tenant may be allowed to remain a tenant of the building but at the prevailing “market rate” rent for the unit, which is substantially higher than the subsidized monthly rent. It is the responsibility of the tenant, and not the responsibility of the Housing Authority, to obtain the needed documents to become recertified for subsidized rent. Failure to recertify for continued occupancy is also a breach of the lease, which can lead to lease termination and eviction from the premises.

The Housing Authority shall conduct interim recertifications in accordance with HUD Notice H-2023-10, particularly Attachment I.

III. Income Calculations

The Housing Authority shall conduct income calculations in accordance with HUD Notice H-2023-10, particularly Attachments B, C, F, G and H. The Housing Authority shall not consider the income of any foster children, foster adults, or live-in aides.⁷⁷

IV. Streamlined Income Determination

The Housing Authority may apply a streamlined income determination to a family receiving Fixed Income.⁷⁸

- When 90% or more of a family’s unadjusted income consists of Fixed Income, the Housing Authority shall apply a Cost-of-Living Adjustment (“COLA”) to the family’s sources of

⁷⁷ HUD Notice H-2023-10, Attachment E.

⁷⁸ 24 C.F.R. 880.603(c)(4); 24 C.F.R. 5.657(d)(1).

Fixed Income, provided that the family certifies both that 90% or more of their unadjusted income is Fixed Income and that their sources of Fixed Income have not changed from the previous year. For non-fixed income, the Housing Authority is not required to make such adjustments.⁷⁹

- When less than 90% of a family’s unadjusted income consists of Fixed Income, the Housing Authority must apply a COLA to each of the family’s sources of Fixed Income and redetermine all non-fixed income.⁸⁰
- The Housing Authority shall determine the COLA based on public sources or from tenant-provided third-party documentation. If the COLA cannot be determined, the Housing Authority shall obtain third-party verification of the income amounts.⁸¹
- The Housing Authority must obtain third-party verification of all income amounts every three (3) years.⁸²
- If a family member with a fixed source of income is added, the Housing Authority will use third-party verification of all income amounts for that family member.

V. Consent Forms

At the first recertification occurring after January 1, 2024, all adult household members must sign and submit consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies.⁸³ Thereafter, the signing of consent forms shall only be necessary if there is a new adult family member, if an existing family member has reached eighteen years of age, or if required by HUD.⁸⁴ Families that fail to sign and submit consent forms, or that subsequently revoke consent, will have their assistance terminated.⁸⁵

Unit Transfers

The decision to allow unit transfers will be at the sole discretion of the Housing Authority. A tenant may be transferred to another unit if one of the following conditions exists: (1) the unit becomes substandard or uninhabitable; (2) the tenant is a victim of domestic violence, dating violence, sexual assault, or stalking and qualifies for protection under the Housing Authority’s Emergency Transfer Plan; (3) the tenant provides verification that a different-sized unit or more accessible unit is required for medical reasons; (4) the current unit is an inappropriate size as a result of a change in the tenant’s family size or composition; or (5) the unit has accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features.

⁷⁹ 24 C.F.R. 5.657(d)(3)(i).

⁸⁰ 24 C.F.R. 5.657(d)(3)(ii).

⁸¹ 24 C.F.R. 5.657(d)(4).

⁸² 24 C.F.R. 5.657(d)(5).

⁸³ 24 C.F.R. 5.230.

⁸⁴ HUD Notice H-2023-10, Attachment J.

⁸⁵ 24 C.F.R. 5.232.

Absent emergency circumstances, a tenant will not be approved for a transfer if the tenant has failed to recertify, the tenant's lease has been terminated, eviction proceedings are pending, the tenant has unacceptable housekeeping practices, or the tenant has a balance due (including but not limited to rent, damages, late fee, bounced check or other related charges that are referenced in the lease and rules and regulations).

When a vacancy occurs, the Housing Authority will first look to the transfer list to determine if the unit is appropriate for an existing tenant. If the Housing Authority determines that the unit is appropriate for a tenant on the transfer list, it will make the transfer. If the Housing Authority determines that the unit is not appropriate for a tenant on the transfer list, it will then look to the Waiting List.

The tenant will be required to pay for reasonable transfer expenses unless: (1) the transfer was initiated by the Housing Authority; or (2) the tenant is being transferred as a reasonable accommodation of a disability and HUD Handbook 4350.3 requires the Housing Authority to pay the costs associated with the transfer.

Live-In Aides

A Live-in Aide is a person who lives with a disabled tenant and who is essential to that disabled tenant's care and well-being but is not obligated for financial support and would not be living in the unit except to provide necessary supportive services. Tenants will be asked to document the fact that a Live-in Aide is needed to provide necessary supportive services essential to the care and well-being of the tenant as a reasonable accommodation. Live-in Aides are not eligible for occupancy and would not be added to the lease agreement as a household member. A request for reasonable accommodation must be made and verified prior to a Live-in Aide being moved into a disabled tenant's apartment. A lease addendum approving the Live-in Aide must be fully executed prior to an aide's move-in.

Live-in Aides are subject to the same criminal background check as tenants and must prove eligibility to work in the United States. The Live-in Aide will not qualify to live in a unit once the tenant is no longer living in the unit, regardless of the circumstances of the tenant's departure.

At any time, the Housing Authority may refuse to approve a particular person as a Live-in Aide, or may withdraw such approval: (1) if the person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; (2) if the person commits drug-related criminal activity or violent criminal activity; or (3) for any other reason allowed by law.

In addition, if a Live-in Aide violates the house rules or lease provisions, the Housing Authority will revoke the tenant's permission to have the Live-in Aide and require the Live-in Aide be removed from the premises. A tenant's refusal to remove a Live-in Aide after permission is revoked will be considered a serious breach of the lease for which the lease could be terminated.

No Smoking Policy

The Housing Authority's building is a "smoke free" environment. The smoking, igniting, and lighting up of all smoking paraphernalia, including but not limited to cigarettes, e-cigarettes, vapes,

cigars, pipes, and tobacco rolls, is strictly prohibited. The smoke-free environment shall include the entire building, including tenant’s apartment unit, common areas, and any place within twenty-five (25) feet of building. This applies to the tenant, all household members, and all guests that visit the premises on behalf of the tenant or household members. Any smoking by the tenant, any household members, or any guests, on the premises will constitute a substantial violation of the Lease and shall be considered material noncompliance with the terms of the Lease, for which the Housing Authority reserves the right to terminate the Lease.

Confidentiality

The Housing Authority will only collect information about an applicant or tenant that is necessary to determine eligibility, order of selection from the Waiting List, level of assistance, and/or ability to comply with lease obligations (including but not limited to payment of rent). The Housing Authority will only use and/or disclose information about an applicant or tenant for specified program purposes.

Termination of Tenancy

Any termination of tenancy shall be in conformity with the procedures and grounds for termination set forth in the HUD Model Lease (Form HUD-90105-A), applicable program regulations, and State of New Jersey law.

The Housing Authority shall provide the tenant with written notice of the proposed termination.⁸⁶ The notice shall specify the effective date of the termination, the reason(s) for the termination, the consequences of failing to vacate the unit by the termination date, the right to discuss the termination with the Housing Authority within ten (10) days of the notice, and the right to request reasonable accommodations to participate in the discussion.⁸⁷ The notice shall be served by first class mail and by hand delivery to the unit.⁸⁸

The Housing Authority may require a tenant to remove a household member when that member’s past or current actions would result in the termination of tenancy.

Changes to House Rules

Tenants will receive a 30-day notice prior to the implementation of changes to the House Rules.

Changes to Tenant Selection Plan

Current applicants and tenants will receive notice of any changes to the Tenant Selection Plan. Copies of the revised Tenant Selection Plan may be requested from the Housing Authority.

⁸⁶ HUD Handbook 4350.3 (p.8-15).

⁸⁷ HUD Handbook 4350.3 (p.8-15).

⁸⁸ HUD Handbook 4350.3 (p.8-16).