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| PHA 5-Year and Annual Plan | U.S. Department of Housing and Urban Development Office of Public and Indian Housing | OMB No. 2577-0226 Expires 4/30/2011 |
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| 1.0 | PHA Information PHA Name: New Jersey Department of Community Affairs (DCA) PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard PHA Fiscal Year Beginning: (MM/YYYY): 07/2011 PHA Code: NJ912 <input checked="" type="checkbox"/> HCV (Section 8) | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------|--|--------------------|----------|--------------------------------------|-------------------------------|--------------------------------------|-------------------------------|------------------------------|-----|--------|--|--|--|--|--|--------|--|--|--|--|--|--------|--|--|--|--|--|
| 2.0 | Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: None Number of HCV units: 20,623 | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.0 | Submission Type <input type="checkbox"/> 5-Year and Annual Plan <input checked="" type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4.0 | PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.) | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) Included in the Consortia</th> <th rowspan="2">Programs Not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>PHA 1:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>PHA 2:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>PHA 3:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | Participating PHAs | PHA Code | Program(s) Included in the Consortia | Programs Not in the Consortia | No. of Units in Each Program | | PH | HCV | PHA 1: | | | | | | PHA 2: | | | | | | PHA 3: | | | | | |
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| | | PH | HCV | | | | | | | | | | | | | | | | | | | | | | | | |
| PHA 1: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PHA 2: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PHA 3: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5.0 | 5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5.1 | Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5.2 | Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6.0 | PHA Plan Update (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: No revisions have been made to the PHA Plan elements since the submission of our Annual Plan in April 2010. (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. A copy of our PHA 5-Year and Annual Plan, and our Housing Choice Voucher Program Administrative Plan are available on our Web site: www.state.nj.us/dca/divisions/dhcr , and at our administrative office located at 101 South Broad Street, Fifth Floor, in Trenton, Mercer County. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7.0 | Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i> <ul style="list-style-type: none"> • For information about our Homeownership Program, see chapter 18 of our Housing Choice Voucher Program Administrative Plan. • A description of our Project-Based Voucher Program will be included in our state fiscal year 2012 (7/1/2011 – 6/30/2012) Housing Choice Voucher Program Administrative Plan as chapter 19. • The DCA does not administer the other listed programs. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8.0 | Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8.1 | 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. Not Applicable (N/A) | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| 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> <p>N/A</p> |
| 8.3 | <p>Capital Fund Financing Program (CFFP). <input type="checkbox"/> 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> <p>N/A</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> <p>The PHA 5-Year and Annual Plan instructions require High Performing PHAs to complete this item only when submitting a 5-year plan.</p> |
| 9.1 | <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.</p> <p>N/A</p> |
| 10.0 | <p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(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.</p> <p>The PHA 5-Year and Annual Plan instructions require High Performing PHAs to complete this item only when submitting a 5-year plan.</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification.”</p> <p>The PHA 5-Year and Annual Plan instructions require High Performing PHAs to complete this item only when submitting a 5-year plan.</p> |
| 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> <p>(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)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(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.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p> |

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 rent s 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.

**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 PHA Annual Plan for the PHA fiscal year beginning July 1, 2011, 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.


New Jersey Department of Community Affairs
PHA Name

NJ912
PHA Number/HA Code

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

Annual PHA Plan for State Fiscal Year 2012 (7/1/2011 - 6/30/2012)

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 | Title |
| DEBORAH HEINZ | EXECUTIVE DIRECTOR |
| Signature | Date |
|  | 1/4/11 |

Attachment B (nj912b01)

Development of the New Jersey Department of Community Affairs' Public Housing Agency Annual Plan and Housing Choice Voucher Program Administrative Plan for FY 2012

The program scheduled two meetings with our Resident Advisory Board to discuss the Public Housing Agency (PHA) Annual Plan and Housing Choice Voucher Program Administrative Plan for fiscal year 2012 (July 1, 2011 – June 30, 2012). The first meeting occurred on November 9, 2010. The agenda for this meeting included a review of the modifications to the program's discretionary policies that were adopted in the prior year. Our hearing officer reviewed the changes that were made to the informal hearing process. The Administrative Plan for the fiscal year beginning on July 1, 2010 introduced an appeal process providing a program participant with the opportunity to challenge the hearing officer's final decision. This review provides the petitioner with another opportunity to present their views before a final decision is rendered by the program.

The next topic for discussion was the program's subsidy standards. This refers to the guidelines used by the program to determine the appropriate number of bedrooms and amount of subsidy for households of different sizes and compositions. These standards "must provide for the smallest number of bedrooms needed to house a family without overcrowding." In determining the appropriate number of bedrooms for a particular household, the program may grant an exception to our established subsidy standards if it is determined that "the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances." The U.S. Department of Housing and Urban Development has issued a number of notices on the topic of over subsidization in the Housing Choice Voucher Program. One of the primary causes of over subsidization is the failure of housing agencies to change the voucher unit size after changes in family composition. Last year the program added information to chapter 17 of the Administrative Plan, Payment Standard Amounts, about this subject. The new text states that the program must apply a new payment standard at a program participant's annual reexamination if the household's size or composition changes. No changes to the program's subsidy standards are proposed for the FY 2012 Administrative Plan.

After the agenda items were discussed, the program asked for suggestions on the best way to outreach to program participants with a view to add new members to the Resident Advisory Board. It was decided that the program would post a notice in the waiting area of each field office in an effort to recruit new members to the board.

At the conclusion of the meeting, the members were encouraged to prepare for the next meeting by reviewing the discretionary policies described in our Administrative Plan and to be prepared to present any suggestions they may have at the next meeting.

The second meeting of the Resident Advisory Board occurred on January 11, 2011. At this meeting, a written summary of the program's proposed changes to the Administrative Plan was distributed to the members and formed the agenda for the meeting. In addition, written comments were solicited from the members on the proposed changes and also on any of the discretionary policies of the program that are described in the Administrative Plan and the PHA Annual Plan.

The following is a summary of the proposed changes to the Housing Choice Voucher Program Administrative Plan for fiscal year 2012 that were discussed at the second meeting of the Resident Advisory Board:

Chapter 1 Administrative Authority

Two new items will be added to the list of defined words and terms beginning on page 1-2: “Agreement to enter into HAP contract” and “Co-head.”

An “Agreement to enter into HAP contract” (Agreement) is a written contract between the program and the property owner in the form prescribed by the U.S. Department of Housing and Urban Development. The Agreement defines the requirements for the development of housing to be assisted under the Project-Based Voucher Program.

“Co-head” means an individual in the household who is equally responsible for the lease with the head of household.

In addition, the definition of the term “Head of household” will be revised to read as follows: The adult member of the family who is the head of household for purposes of determining income eligibility and rent (see 24 CFR §5.504, Definitions). The revised definition of this term will no longer direct the reader to the *Family Report* (form HUD-50058) for the definition.

Chapter 4 Processing Applications and Determining Eligibility

A footnote will be added to page 4-2 to make the distinction between the screening of applicants to the Housing Choice Voucher Program and applicants that are referred to the program by the Department of Veterans Affairs for participation in the Veterans Affairs Supportive Housing (VASH) Program. The program is only able to screen for and deny admission to the VASH Program to a household member that is subject to a lifetime registration requirement under a state sex offender registration program.

Chapter 7 Briefing Households

The program has discretion to establish guidelines to determine the appropriate number of bedrooms and amount of subsidy for households of different sizes and compositions. These guidelines are referred to as subsidy standards. The subsidy standards “must provide for the smallest number of bedrooms needed to house a family without overcrowding.” In determining the appropriate number of bedrooms for a particular household, the program may grant an exception to our established subsidy standards if it is determined that “the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.”

The program will add a footnote to the section on “Exceptions to the Subsidy Standards” on page 7-6 directing the reader to the definition of “Person with disabilities” on page 1-9.

Another change to this chapter is in response to a U.S. Department of Housing and Urban Development notice (Notice 2011-3) concerning family moves with continued assistance. New text will be added to page 7-13 to state that any families who are denied a request to move to a higher cost unit within the State of New Jersey or out-of-state under the portability option because of a lack of program funding will receive written notice of the decision and will be considered for such a move if funding is available within six months of the program's initial decision to deny the families' request.

Chapter 9 Approving Leases and Executing Contracts

Additional items will be added to the *Request for HUD Approval of Exception Payment Standard Amount* (Exhibit 9-4) to comply with the requirements of a U.S. Department of Housing and Urban Development notice (Notice 2010-11, Requests for Exception Payment Standards for Persons with Disabilities as a Reasonable Accommodation). The new items will include the number of household members, the household's monthly adjusted income, and identify the household as either an applicant or a participant.

Chapter 14 Reinspecting Units Under Contract

A new form letter will be added to this chapter. The purpose of the "Inspection Final Warning Letter" (Exhibit 14-8) is to inform a property owner who has not responded to the program's initial notice that violations of the federal housing quality standards exist at the assisted unit and that the deadline to complete the required repairs is imminent. A copy of the inspection report is attached to the letter and copies of both are also mailed to the tenant.

Chapter 16 Informal Review Procedures for Applicants and Informal Hearing Procedures for Participants

Whenever the program takes action to terminate an assisted household because of the actions or inaction of the household, the household may request an informal hearing to challenge the program's decision. The program intends to revise its discretionary policies to state that a request for an informal hearing must be from the head of household or co-head. If the program receives a request from any other member of the assisted household, it will be denied.

Chapter 18 Homeownership Option

A housing unit must be a one-unit property (including a manufactured home) or a single dwelling unit in a cooperative or condominium to be eligible for homeownership assistance (see Eligible Units on page 18-1). The program intends to add text to the section on Eligible Units which states that any housing unit located in a Coastal Barrier Resource System (CBRS) is ineligible for homeownership assistance. The CBRS maps are available at: http://www.fws.gov/habitatconservation/coastal_barrier.html

The program will add a new section to page 18-9 concerning the following environmental requirements:

1. Buyers of units located in a flood zone must purchase and maintain flood insurance; and
2. Buyers of units located in an airport runway zone or clear zone must sign a statement acknowledging that they know the implications of residing in such a location and that they are aware that the property may at a later date be acquired by the airport operator.

Chapter 19 Project-Based Voucher Program

The program will add a new chapter to the Administrative Plan to address the administration of project-based vouchers. The program has discretion whether to operate a Project-Based Voucher Program. The federal regulations (see 24 CFR, Part 983) permit the program to provide project-based assistance for up to twenty percent of the budget authority allocated to the program by the U.S. Department of Housing and Urban Development.

The program has not designated any of our baseline allocation of vouchers for project-based voucher assistance. Our agency did, however, receive 1,373 units from the New Jersey Housing and Mortgage Finance Agency on September 1, 2008 by means of a Novation Agreement with the HMFA and the U.S. Department of Housing and Urban Development. The subject units are located at 41 developments located throughout the State of New Jersey.

In December, 2010, the program announced that it was accepting proposals to develop 50 project-based housing units for participants of the Veterans Affairs Supportive Housing Program. Two proposals were received. One proposal was accepted by the program and is now being reviewed by the U. S. Department of Housing and Urban Development.

What follows are the proposed guidelines for the administration of project-based vouchers:

PROJECT-BASED VOUCHER PROGRAM

In accordance with 24 CFR §983.6, *Maximum amount of PBV assistance*, the New Jersey Department of Community Affairs (the program) has discretion whether to operate a Project-Based Voucher (PBV) Program. The program may provide project-based assistance for up to 20 percent of the amount of budget authority allocated to the program by the U.S. Department of Housing and Urban Development (HUD) in the program's Housing Choice Voucher Program.

Owner Proposal Selection Procedures

Before selecting a PBV proposal, the program must determine that the proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing, complies with the cap on the number of PBV units per building, and meets the program's site selection standards.

The program will select PBV proposals that are received in response to the publication of a Request for Proposal. The program may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites. The program will provide broad public notice of the opportunity to offer PBV proposals for consideration by the program. The public notice will be published in a local newspaper of general circulation and will also be posted on the program's Web site (www.nj.gov/dca/divisions/dhcr) to provide broad public notice. The public notice for PBV proposals will specify the submission deadline. Detailed application and selection information will be provided at the request of interested parties, and will be included on our Web site. The program will provide prompt written notice to the party that submitted a selected proposal and will also give prompt public notice of all selected proposals.

Eligible Housing Types

The program may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an *Agreement to Enter into a Housing Assistance Payments Contract* (the Agreement).

Prohibition of Assistance for Ineligible Units

The program may not attach or pay PBV assistance for units in the following types of housing:

1. Shared housing;
2. Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
3. Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care. The program may, however, attach PBV assistance for a dwelling unit in an assisted living facility that provides home health care services such as nursing and therapy for residents of the housing;
4. Units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution;
5. Manufactured homes;
6. Cooperative housing; and
7. Transitional Housing.

In addition, the program may not attach or pay PBV assistance to a high-rise elevator project that may be occupied by families with children unless the program determines there is no practical alternative, and HUD approves the decision.

Prohibition of Excess Public Assistance

The program may provide PBV assistance only in accordance with HUD subsidy layering regulations (see 24 CFR §4.13) and other requirements. The subsidy layering review is intended to prevent excessive public assistance for the housing by combining (layering) housing assistance

payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

The program may not enter an Agreement or HAP contract until HUD or an independent entity approved by HUD has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.

Cap on Number of PBV Units in Each Building

Except as provided below, the program may not select a proposal to provide PBV assistance for units in a building or enter into an Agreement or HAP contract to provide PBV assistance for units in a building, if the total number of dwelling units in the building that will receive PBV assistance during the term of the Housing Assistance Payments Contract is more than 25 percent of the number of dwelling units (assisted or unassisted) in the building.

In the following cases, PBV units are not counted against the 25 percent building cap:

1. Units in a single-family building; and
2. Excepted units in a multifamily building.

“Excepted units” means units in a multifamily building that are specifically made available for qualifying families.

“Qualifying families” means elderly or disabled families, or families receiving supportive services.

“Supportive services” means case management appropriate to the household’s plan to achieve residential stability. Case management may include assistance with daily living skills, budgeting and financial literacy, employment training, and assistance with job placement.

The program may not require participation in medical or disability-related services other than drug and alcohol treatment in the case of current abusers as a condition of living in an excepted unit, although such services may be offered. The program will monitor the excepted family’s continued receipt of supportive services and take appropriate action regarding those families that fail without good cause to complete their supportive services requirement. The program will monitor all excepted families’ participation in their supportive services as part of the family’s annual reexamination.

Site Selection Standards

In determining whether a proposed PBV development will be selected, the program will consider the following factors:

- Whether the census tract in which the proposed PBV development will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
- Whether a PBV development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition;

- Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization;
- Whether state, local, or federal dollars invested in the area have contributed to the goal of deconcentrating poverty and expanding housing and economic opportunities;
- Whether new market rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area;
- If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, the program will consider whether in the past five years there has been an overall decline in the poverty rate;
- Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located; and
- The site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964.

Existing and Rehabilitated Housing Site and Neighborhood Standards

A site for existing or rehabilitated housing must meet the following site and neighborhood standards. The site must:

- Be adequate in size, location, and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site.
- Avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- Be accessible to social, recreational, educational, commercial, and health facilities and services.
- Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive. While it is important that housing for the elderly not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.

New Construction Site and Neighborhood Standards

A site for newly constructed housing must meet the following site and neighborhood standards:

- The site must be adequate in size, location, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
- The site must not be located in an area of minority concentration, except as permitted under 24 CFR §983.57(e)(3). A project may be located in an area of minority concentration only if: (a) Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration, or (b) The project is necessary to meet overriding housing needs that cannot be met in that housing market area.

- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services.

Environmental Review

In accordance with the federal regulations (24 CFR Part 58), a unit of general local government, a county or a state (the “responsible entity”) is responsible for the federal environmental review. In the case of existing housing, the responsible entity that is responsible for the environmental review must determine whether or not PBV assistance is categorically excluded from review.

Limitation on Actions before Completion of the Environmental Review

The program may not enter into an Agreement with an owner until one of the following occurs:

1. The responsible entity has completed the environmental review procedures required by the federal regulations, and HUD has approved the environmental certification;
2. The responsible entity has determined that the project to be assisted is exempt from an environmental review; or
3. HUD has performed an environmental review and has notified the program in writing of environmental approval of the site.

Housing Accessibility for Persons with Disabilities

The program shall ensure that the percentage of accessible dwelling units complies with the requirements of Section 504 of the Rehabilitation Act of 1973.

Annual Inspections

At least annually during the term of the HAP contract, the program must inspect a random sample, consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with the federal housing quality standards.

Labor Standards

In the case of an Agreement for development of nine or more contract units (whether or not completed in stages), the owner and the owner’s contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in development of the housing.

In addition, all owners must comply with federal equal employment opportunity requirements.

Completion of Housing

The owner must develop and complete the housing units in accordance with the Agreement. When the units have been completed, the owner must submit the following evidence of completion to the program:

1. A certification that the work has been completed in accordance with the housing quality standards and all requirements of the Agreement; and
2. A certification that the owner has complied with labor standards and equal opportunity requirements in development of the housing. To verify compliance with the Davis-Bacon labor standards, the owner must provide the program with a copy of the payroll records for all workers who were employed at the job site.

Housing Assistance Payments (HAP) Contract

The program will enter into a HAP contract with an owner for an initial term of ten years for each contract unit. Within one year before expiration, the program may agree to extend the term of the HAP contract for an additional term of up to five years.

The HAP Contract must specify the number of units in any building that will exceed the 25 percent per building cap (see 24 CFR §983.56, *Cap on number of PBV units in each building*) which will be set-aside for occupancy by qualifying families (elderly or disabled families and families receiving supportive services).

HAP Contract Amendments

The HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same building for a previously covered contract unit.

The annual anniversary for all contract units is the annual anniversary date for the first contract units placed under the HAP contract.

Protection of In-place Families

The term “in-place family” means an eligible individual or family residing in a proposed contract unit on the proposal selection date. In order to minimize displacement of in-place families, if a unit to be placed under contract that is either an existing unit or one requiring rehabilitation is occupied by an eligible family on the proposal selection date, the in-place family will be placed on the program’s waiting list (if the family is not already on the list) and, once its continued eligibility is determined, given an absolute selection preference and referred to the project owner for an appropriately sized PBV unit in the project.

Selection from the PHA Waiting List

The program may use a separate waiting list for admission to PBV units or may use the same waiting list for both tenant-based assistance and PBV assistance.

The program may place families referred by the PBV owner on its PBV waiting list.

The prohibition on granting preferences to persons with a specific disability (see 24 CFR §982.207(b)(3)) also applies to the PBV Program.

If a PBV owner rejects a family for admission to the owner's PBV units, such rejection by the owner does not affect the family's position on the program's waiting list for tenant-based assistance.

Leasing of Contract Units

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

An owner must promptly notify in writing any rejected applicant of the grounds for any rejection. A copy of the notice must also be sent to the program.

Required Lease Provisions

The owner's lease must specify any amount to be charged for food, furniture, or supportive services.

Overcrowded, Under-occupied, and Accessible Units

If the program determines that a family is occupying a wrong-size unit, or a unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, the program must promptly notify the family and the owner of this determination, and of the program's offer of continued assistance in another unit.

The program's offer may be in the form of:

- Project-based voucher assistance in an appropriate-size unit (in the same building or in another building);
- Tenant-based rental assistance under the Housing Choice Voucher Program; or
- Other comparable tenant-based assistance under the HOME program or the State Rental Assistance Program.

If the program offers the family the opportunity to receive tenant-based rental assistance under the Housing Choice Voucher Program, the program must terminate the housing assistance payments for a wrong-sized or accessible unit at expiration of the term of the family's voucher (including any extension granted by the program).

If the program offers the family the opportunity for another form of continued housing assistance (not in the tenant-based Housing Choice Voucher Program) and the family does not accept the

offer, does not move out of the PBV unit within a reasonable time as determined by the program, or both, the program must terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of a reasonable period as determined by the program. In these circumstances, the program will afford the family 120 days to relocate to another housing unit.

Family Right to Move

The family may terminate the assisted lease at any time after the first year of occupancy. The family must give the owner advance written notice of intent to vacate (with a copy to the program) in accordance with the lease. If the family has elected to terminate the lease in this manner, the program must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the Housing Choice Voucher Program or other comparable tenant-based rental assistance.

If a Housing Choice Voucher or other comparable tenant-based rental assistance is not immediately available upon termination of the family's lease of a PBV unit, the program will give the family priority to receive the next available opportunity for continued tenant-based rental assistance.

Family That No Longer Is a Qualifying Family

A family (or the remaining members of the family) residing in an excepted unit that no longer meets the criteria for a "qualifying family" in connection with the 25 percent per building cap exception must vacate the unit within a reasonable period of time established by the program, and the program shall cease paying housing assistance payments on behalf of the non-qualifying family. If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit in the building in accordance with the federal regulations (24 CFR §983.206(a), *Amendment to substitute contract units*) or the owner terminates the lease and evicts the family. The program will provide a non-qualifying family with 120 days notice of the requirement to relocate from an excepted unit to other housing.

Determining the Rent to Owner

The rent to owner (except for certain tax credit units) must not exceed the lowest of:

1. An amount determined by the program not to exceed 110 percent of the applicable fair market rent (or any exception payment standard approved by HUD) for the unit bedroom size minus any utility allowance;
2. The reasonable rent; or
3. The rent requested by the owner.

In the case of a tax credit unit described in 24 CFR §983.301(c)(1), the rent to owner must not exceed the lowest of:

1. The tax credit rent minus any utility allowance;
2. The reasonable rent; or

3. The rent requested by the owner.

Redetermination of Rent to Owner

The owner must request an increase in the rent to owner at the annual anniversary of the HAP contract by written notice to the program. The owner's request must be received a minimum of 60 days in advance of the annual anniversary of the HAP Contract.

Reasonable Rent

The program must redetermine the reasonable rent:

1. Whenever there is a five percent or greater decrease in the published FMR in effect 60 days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR in effect one year before the contract anniversary;
2. Whenever the program approves a change in the allocation of responsibility for utilities between the owner and the tenant;
3. Whenever the HAP contract is amended to substitute a different contract unit in the same building; and
4. Whenever there is any other change that may substantially affect the reasonable rent.

Payment to Owner

Except for discretionary vacancy payments in accordance with 24 CFR §983.352, *Vacancy payment*, the program may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

Vacancy Payments

The program will make vacancy payments to an owner for a period of vacancy not to exceed one additional month following the move-out month. The amount of the payment is limited to 80 percent of the rent to owner.

The program may make vacancy payments to the owner only if:

1. The owner gives the program prompt, written notice certifying that the family has vacated the unit and containing the date when the family moved out (to the best of the owner's knowledge and belief);
2. The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
3. The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
4. The owner provides any additional information required and requested by the program.

The program may not make any payment to the owner for any damage to the unit, or for any other amount owed by a family under the family's lease.

Other Fees and Charges

In assisted living developments receiving project-based assistance, owners may charge tenants, family members, or both for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of reasonable rent. Non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

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Resident Advisory Board Comments

No written comments were received from the members of the Resident Advisory Board.

Attachment C (nj912c01)

Challenged Elements

An announcement was posted on the Department of Community Affairs' Web site (www.nj.gov/dca/dh) informing the public of a meeting on March 14, 2011 to discuss the program's *Housing Choice Voucher Program Administrative Plan*, and *Public Housing Agency Annual Plan* for state fiscal year 2012. These documents describe how the program will administer the Housing Choice Voucher Program in state fiscal year 2012 commencing on July 1, 2011. The announcement also included a link to the *Public Housing Agency Annual Plan* and the proposed changes to the *Housing Choice Voucher Program Administrative Plan*. Written comments were to be received by April 1, 2011.

Comment: The program should identify any impediments to fair housing within its programs and address those impediments in a reasonable fashion in view of resources available.

DCA Response: Recently the Department of Community Affairs, Division of Housing and Community Resources, released a developmental *Analysis of Impediments to Fair Housing Choice* to a number of stakeholders for review and comment. The program expects to post a final draft copy of this document on the department's Web site in mid-May. There will be a 30-day review period. The public will then have the opportunity to discuss the document at a public hearing to be held at the DCA administrative offices and also submit written comments to the program. The public hearing will be scheduled for a date in late-June. Once the meeting date has been determined, it will be announced on the department's Web site.

Comment: One commenter made a number of suggestions that the program should consider to enable individuals and households move to neighborhoods or municipalities that have low concentrations of poor families. Each comment will be addressed separately. The first calls for the program to consider living rooms as bedrooms when determining the unit size of a rental unit and the appropriate payment standard amount to determine the amount of tenant rent to owner.

DCA Response: Under the program's space and security acceptability criteria a dwelling unit must have a living room, a kitchen, and a bathroom. In addition, the dwelling unit must have at least one bedroom or living/sleeping room for each two persons in the household. The program may not, however, count the living room as a bedroom thereby increasing the payment standard amount that is used to determine the tenant rent to owner and the housing assistance payment paid by the program. In summary, the living room may be used as a living/sleeping room to determine if the unit provides the family with adequate space but it may not be used to determine the unit size to determine the appropriate payment standard amount. Unit size is measured by the number of actual bedrooms in the dwelling unit (zero-bedroom, one-bedroom and so on).

Comment: The program should adopt small-area fair market rents to assist program applicants and participants move from high poverty to low poverty neighborhoods.

DCA Response: The program is required to establish payment standard amounts for each unit size in each of the eleven fair market rent (FMR) areas of the state. The requirements (§982.503, *Voucher tenancy: Payment standard amount and schedule*) establish a range of values that the payment standards must be within. This range is referred to as the “basic range” and it is defined by the U.S. Department of Housing and Urban Development (HUD) as between 90 percent and 110 percent of the fair market rent published by HUD. All of the DCA’s payment standard amounts have been set at or above 100 percent to 110 percent of the FMR. It is our policy not to establish any payment standard amounts below 100 percent of the FMR even though we are permitted to drop down to the 90 percent level. Our current payment standard schedule includes values above 100 percent of FMR in seven of the eleven FMR areas in the state. These higher values were determined to be necessary based upon an analysis of the total housing cost of program participants by county and by unit size. The report that is produced to conduct this review identifies program participants by a range of values and guides us in deciding how to better utilize our available resources.

In the remaining four FMR areas, the payment standard amounts are set at 100 percent of the final FMRs. Amounts above 100 percent were determined not to be necessary in the Bergen-Passaic area when this area qualified for 50th percentile FMRs. (FMRs are usually set at the 40th percentile rent level for an area). In the Monmouth-Ocean area, when the final FMRs were published and were greater than the proposed amounts the program determined that these values were adequate for this area. In the remaining two market areas (Mercer County and the Middlesex-Somerset-Hunterdon area) the program was satisfied with the proposed FMRs after reviewing our data for these areas.

On a case-by-case basis, the program will consider any requests for exception payment standard amounts from households that include a person with disabilities as a reasonable accommodation. Approval of an exception payment standard above 110 percent of FMR to 120 percent of the published FMR must be approved by the HUD Field Office. The program has designed a form (see Exhibit 9-4) to expedite these requests.

The program looks forward to the publication of proposed FMRs for federal fiscal year 2012. When they are released, the program will perform an assessment of our data. We expect the proposed FMRs will be published in June or July.

Comment: Another suggestion related to improving opportunities for program applicants and program participants move to low-poverty census tracts is for the program to establish a special mobility assistance unit. It was also noted that the program should provide it with the additional resources to assist households with security deposit assistance to enhance its effectiveness.

DCA Response: Since the inception of the federally funded tenant-based rental assistance programs in the mid-1970s, the DCA has participated in a number of mobility programs that were created to provide households with additional supportive services and assist them to move to better housing in better neighborhoods. One such effort was called Operation Bootstrap. A more recent example is the Regional Opportunity Counseling Program. Both

of these programs were not viewed as successful or cost effective programs and have been eliminated. Despite these unsuccessful attempts, our program continues to encourage households to take advantage of the opportunity a voucher represents and make an effort to move to better housing in better neighborhoods. We offer program applicants and participants the advantage of a jurisdiction that includes the entire State of New Jersey. Program applicants and participants have the right to move anywhere within the state. In addition to these transfers within our jurisdiction, the program is proud of our efforts to make portability between jurisdictions work for our participants and for households wishing to move to New Jersey from another state or from another public housing agency within the state. Over the years we have made every effort to absorb the cost of portability move-in cases and continue to do so. Currently, the program is assisting 224 households that have used the portability option to move out-of-state with a DCA voucher that we continue to fund. The program is also assisting approximately 3,400 households that have used the portability feature of the voucher program to move to the jurisdiction of our agency. Our agency has absorbed the cost of all of these portability moves.

On the matter of a security deposit fund, the program is permitted to use funds in its federal Housing Assistance Payments account only for rental assistance payments. In prior years, the program was able to rely on our state-funded programs to assist a limited number of households with security deposit grants. The state-funded Homelessness Prevention Program estimates it will expend approximately \$80,000 for security deposits in the current state fiscal year.

Comment: The program should aggressively pursue enforcement of the provisions in the New Jersey Law Against Discrimination.

DCA Response: All tenant briefings conducted by the program include a discussion of equal housing opportunity. Program applicants and participants are informed of what constitutes a discriminatory act and are encouraged to seek assistance directly from their DCA program representative, from one of the Division of Civil Rights' regional offices in New Jersey, or from the U.S. Department of Housing and Urban Development. In addition to discussing discrimination based upon membership in a protected class, the program also aims to educate households about discrimination based upon the source of their income. The program has assisted a number of advocacy groups representing applicant families in their efforts to secure housing against claims that their income did not meet the minimum income requirements despite the fact that the family was a voucher holder.

The program is willing to partner with any credible advocacy group that is involved in protecting the rights of low-income households in New Jersey who are in need of housing assistance benefits.

Comment: The program's briefing of families should emphasize mobility opportunities and the discretionary policies of the program to encourage mobility.

DCA Response: The oral briefing of an applicant family must include a discussion of where the family may lease a dwelling unit, how portability works, and if the family is living in a high poverty census tract the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families. As noted above, our program offers program applicants and program participants the opportunity to receive housing assistance in any community in the State of New Jersey. In addition, the program has cooperated with hundreds of other public housing agencies across the nation to make portability work for all parties. This agency continues to believe that that the best way to administer the portability transfers that come to our agency is to assist the families as if they were our own applicants and participants who are interested in relocating to better housing. We also strive to work cooperatively with the other housing agencies and make every effort to absorb the cost of these transfers to avoid the added burden of billing arrangements between agencies.

In addition to an oral briefing, written information is also provided to program applicants and to program participants. To assemble all of the required information that a household should have to be successful in their housing search, the program has developed a *Guide to the Housing Choice Voucher Program*. The guide provides households with information that will help them to gain a better understanding of the benefits of the program and of their responsibilities as program participants. This booklet informs the household that the program not only maintains a listing of available housing at each field office but also has partnered with the New Jersey Housing and Mortgage Finance Agency to develop a data base of affordable housing units located throughout the state. We state in this publication that “our goal is to increase the number and diversity of neighborhoods where Housing Choice Voucher Program participants can live. You are encouraged to move to a low-poverty neighborhood that offers high-quality housing, education and employment opportunities.” Households that include a person with disabilities that require additional search time or need the assistance of the program to locate a suitable unit are offered this help as a reasonable accommodation to make the program accessible to those with special needs.

Comment: The program proposed new text to Chapter 7 of the *Housing Choice Voucher Program Administrative Plan* to comply with the requirements of a notice (PIH 2011-3) issued by the U.S. Department of Housing and Urban Development (HUD) concerning additional requirements for public housing agencies that deny family moves because of insufficient funding. One comment was received on this subject. The commenter suggested that the program should add additional text to this chapter concerning the circumstances under which the program could deny family requests to move to a higher cost unit. The commenter also suggested that the new text should state that the program will provide the required analysis and certification to the HUD-Newark office and to the affected program participants.

DCA Response: The program will add a reference to the relevant section of the federal regulations (24 CFR §982.314(e), *When PHA may deny permission to move*) that is cited in Notice PIH 2011-3. In accordance with Notice 2011-3, *Housing Choice Voucher Family Moves with*

Continued Assistance, the program “must provide written notification to the local HUD Office when they determine it is necessary to deny moves to a higher cost unit based on insufficient funding.” As this is a program requirement, there is no need to recite the details of the documentation requirements in our discretionary policies.

Comment: The program’s proposed changes to the *Housing Choice Voucher Program Administrative Plan* for state fiscal year 2012 included the proposal that a request for an informal hearing challenging a decision to terminate a household must be from the head of household or the co-head of household. One commenter suggested that the remaining member of an assisted household should also be permitted to request an informal hearing.

DCA Response: The program agrees and will include the remaining member of an assisted household as a household member who may request an informal hearing provided he or she is an adult or an emancipated minor.

Comment: The program should revise its informal hearing procedures located in Chapter 16 of the *Housing Choice Voucher Program Administrative Plan* to inform program participants facing termination of assistance that they are entitled to a hearing before an Administrative Law Judge.

DCA Response: The purpose of the *Housing Choice Voucher Program Administrative Plan* is to define the discretionary policies of the program and not the statutory or regulatory requirements that govern the program. The plan must include a statement describing the informal hearing and review procedures that the program makes available to both program applicants and program participants. This requirement is addressed in great length in Chapter 16 of the plan. Specifically, Chapter 16 outlines the procedures for an informal review for an applicant to the program and informal hearing procedures for program participants. The chapter also addresses pre-termination conferences, failure to appear, and the appeals process.

The appeals process provides an appellant with an opportunity to request a review of the Hearing Officer’s final decision. The petitioner has twenty days from the date of the Hearing Officer’s decision to request a review of the decision by writing to the Chief of Housing Services. The Chief of Housing Services has the authority to accept, deny, or modify the Hearing Officer’s decision. The appeals process offered by the program exceeds the federal regulatory requirement to provide a Fair Hearing to a program participant.

The DCA has never denied an appellant, who seeks further relief, their right to appeal under the Administrative Procedures Act (APA). The cost of sending every case with or without merit to the Office of Administrative Law (OAL) would create an administrative and financial hardship to the DCA.

The DCA has administered the federal Section 8 Housing Program since 1975. In the thirty plus years the DCA has exceeded the requirements of the federal regulations and offered an appeal of the Hearing Officer’s final decision with the New Jersey Superior Court Appellate Division. The Bouie decision merely changed the venue of the appeal.

Comment: The site selection standards proposed by the program for the administration of the Project-Based Voucher (PBV) Program should include the additional requirement that the site must promote greater housing choice and avoid undue concentration of assisted households in high poverty areas.

DCA Response: The program has reviewed the proposed site selection standards that apply to all project-based voucher housing and the specific site and neighborhood standards for existing and rehabilitated housing and for newly constructed housing and believes that “the goal of deconcentrating poverty and expanding housing and economic opportunities” is clearly expressed in the Site Selection Standards that begin on page 5 of the proposed changes to the *Housing Choice Voucher Program Administrative Plan*.

Comment: The program’s proposed policies for the administration of project-based vouchers should include protections for program applicants who are rejected by the property owner and for program participants facing termination of tenancy by the owner.

DCA Response: During the term of a Project-Based Voucher Program Housing Assistance Payments Contract, the owner must lease housing units only to eligible families selected and referred by the program from the program’s waiting list. If the owner rejects an applicant, the owner must promptly notify the applicant and the program in writing of the grounds for rejection. The owner’s decision to reject an applicant referred by the program must be in compliance with the owner’s tenant selection procedures which must be approved by the program.

During the term of the lease, the owner may not terminate the tenancy of a program participant except for:

- Serious violation or repeated violation of the terms and conditions of the lease;
- Violation of federal, state, or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or
- Other good cause.

In the Project-Based Voucher Program, good cause does not include a business or economic reason or desire to use the unit for an individual, family, or non-residential rental purpose. In general, the provisions of the tenant-based Housing Choice Voucher Program (24 CFR §982.310, *Owner termination of tenancy*) apply to the project-based program with the two exceptions that are noted (also see 24 CFR §983.257, *Owner termination of tenancy and eviction*).

Whenever the program initiates an action to deny a PBV Program applicant or terminate the assistance of a PBV Program participant, the informal review and informal hearing procedures found in Chapter 16 of the *Housing Choice Voucher Program Administrative Plan* will apply.
