

## **Chapter 1**

### **OVERVIEW OF THE PROGRAM AND PLAN**

#### **INTRODUCTION**

The PHA receives its funding for the Housing Choice Voucher (HCV) program from the Department of Housing and Urban Development. The PHA is not a federal department or agency. A public housing agency (PHA) is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The PHA enters into an Annual Contributions Contract with HUD to administer the program requirements on behalf of HUD. The PHA must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about the PHA and its programs with emphasis on the HCV program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: The Public Housing Agency (PHA). This part includes a description of the PHA, its jurisdiction, its programs, and its mission and intent.

Part II: The HCV Program. This part contains information about the Housing Choice Voucher program operation, roles and responsibilities, and partnerships.

Part III: The HCV Administrative Plan. This part discusses the purpose and organization of the plan and its revision requirements.

#### **PART I: THE PHA**

##### **1-1.A. OVERVIEW**

This part explains the origin of the PHA's creation and authorization, the general structure of the organization, and the relationship between the PHA Board and staff.

### 1-I.B. ORGANIZATION AND STRUCTURE OF THE PHA

The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the Salem Housing Authority for the jurisdiction of Salem County.

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The officials of a PHA are known as commissioners or, collectively, as the board of commissioners. Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation, establishing policies under which the PHA conducts business, ensuring that policies are followed by PHA staff and ensuring that the PHA is successful in its mission. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability.

Formal actions of the PHA are taken through written resolutions, adopted by the board of commissioners and entered into the official records of the PHA.

The principal staff member of the PHA is the executive director (ED), hired and appointed by the board of commissioners. The executive director is directly responsible for carrying out the policies established by the board and is delegated the responsibility for hiring, training and supervising the PHA staff in order to manage the day-to-day operations of the PHA. The executive director is responsible for ensuring compliance with federal and state laws and directives for the programs managed. In addition, the executive director's duties include budgeting and financial planning for the agency.

### 1-I.C. PHA MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides guiding direction for developing strategy, defining critical success factors, searching out key opportunities, making resource allocation choices, satisfying clients and stakeholders, and making decisions.

#### SHA Policy

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Provide affordable, decent, safe and sanitary housing through the maintenance of our existing units and the development of new units. Create an environment which enables residents to live responsibly and with dignity and to support residents in their effort to achieve self-sufficiency. Honor public commitments in a fiscally and ethically responsible manner. Create and maintain public confidence in the Authority's operations and staff. Ensure that the facilities owned and managed by the SHA are marketable in the community and are appealing to residents. Enable SHA staff to improve their performance through appropriate vision, education, training and career development. Maintain a level of communications between employees, referral agencies, residents and the general public to provide up-to-date and responsive service to the public served by the SHA. Establish performance goals that meet or exceed industry standards and that optimize the use of available resources to achieve its performance objectives. Assist city, state and national governments in identifying and addressing housing needs.

#### **1-I.D. THE PHA'S PROGRAMS**

The following programs are included under this administrative plan:

The PHA's administrative plan is applicable to the operation of the Housing Choice Voucher Program.

#### **1-I.E. THE PHA'S COMMITMENT TO ETHICS AND SERVICE**

As a public service agency, the PHA is committed to providing excellent service to HCV program participants, owners, and to the community. The PHA's standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in performance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low income families while ensuring that family rents are fair, reasonable, and affordable.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human service needs.
- Promote fair housing and the equal opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing the PHA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of the PHA's support systems and a high level of commitment to our employees and their development.

The PHA will make every effort to keep program participants informed of HCV program rules and regulations, and to advise participants of how the program rules affect them.

## **PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM**

### **1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM**

The intent of this section is to provide the public and staff with information related to the overall operation of the program. There have been many changes to the program since its inception in 1974 and a brief history of the program will assist the reader to better understand the program.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing developments for low-income residents.

The Housing and Community Development (HCD) Act of 1974 created a new federally assisted housing program – the Section 8 Existing program (also known as the Section 8 Certificate program). The HCD Act represented a significant shift in federal housing strategy from locally owned public housing to privately owned rental housing.

Under the Certificate program, federal housing assistance payments were made directly to private owners of rental housing, where this housing was made available to lower-income families. Eligible families were able to select housing in the private rental market. Assuming that the housing met certain basic physical standards of quality (“housing quality standards”) and was within certain HUD-established rent limitations (“fair market rents”), the family would be able to receive rental assistance in the housing unit. Family contribution to rent was generally set at 30 percent of the family’s adjusted income, with the remainder of the rent paid by the program.

Another unique feature of the Certificate program was that the rental assistance remained with the eligible family, if the family chose to move to another privately-owned rental unit that met program requirements (in contrast to the public housing program where the rental assistance remains with the unit, should the family decide to move). Consequently, the Certificate program was characterized as tenant-based assistance, rather than unit-based assistance.

The Housing and Community Development (HCD) Act of 1987 authorized a new version of tenant-based assistance – the Section 8 Voucher program. The Voucher program was very similar to the Certificate program in that eligible families were able to select housing in the private rental market and receive assistance in that housing unit.

However, the Voucher program permitted families more options in housing selection. Rental housing still had to meet the basic housing quality standards, but there was no fair market rent limitation on rent. In addition, family contribution to rent was not set at a limit of 30 percent of adjusted income. Consequently, depending on the actual rental cost of the unit selected, a family might pay more or less than 30 percent of their adjusted income for rent.

From 1987 through 1999, public housing agencies managed both the Certificate and Voucher tenant-based assistance programs, with separate rules and requirements for each. From 1994 through 1998, HUD published a series of new rules, known as “conforming” rules, to more closely combine and align the two similar housing programs, to the extent permitted by the law.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act – was signed into law. QHWRA eliminated all statutory differences between the Certificate and Voucher tenant-based programs and required that the two programs be merged into a single tenant-based assistance program, now known as the Housing Choice Voucher (HCV) program.

The HCV program was modeled closely on the pre-merger Voucher program. However, unlike the pre-merger Voucher program, the HCV program requires an assisted family to pay at least 30 percent of adjusted income for rent.

The transition of assistance from the Certificate and Voucher programs to the new HCV program began in October 1999. By October 2001, all families receiving tenant-based assistance were converted to the HCV program.

### **1-II.B. HCV PROGRAM BASICS**

The purpose of the HCV program is to provide rental assistance to eligible families. The rules and regulations of the HCV program are determined by the U.S. Department of Housing and Urban Development. The PHA is afforded choices in the operation of the program which are included in the PHA's administrative plan, a document approved by the board of commissioners of the PHA.

The HCV program offers mobility to eligible families because they may search for suitable housing anywhere in the PHA's jurisdiction and may also be eligible to move under portability to other PHAs' jurisdictions.

When a family is determined to be eligible for the program and funding is available, the PHA issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, the PHA will enter into a contract with the owner and the family will enter into a lease with the owner. Each party makes their respective payment to the owner so that the owner receives full rent.

Even though the family is determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. The PHA continues to make payments to the owner as long as the family is eligible and the housing unit continues to qualify under the program.

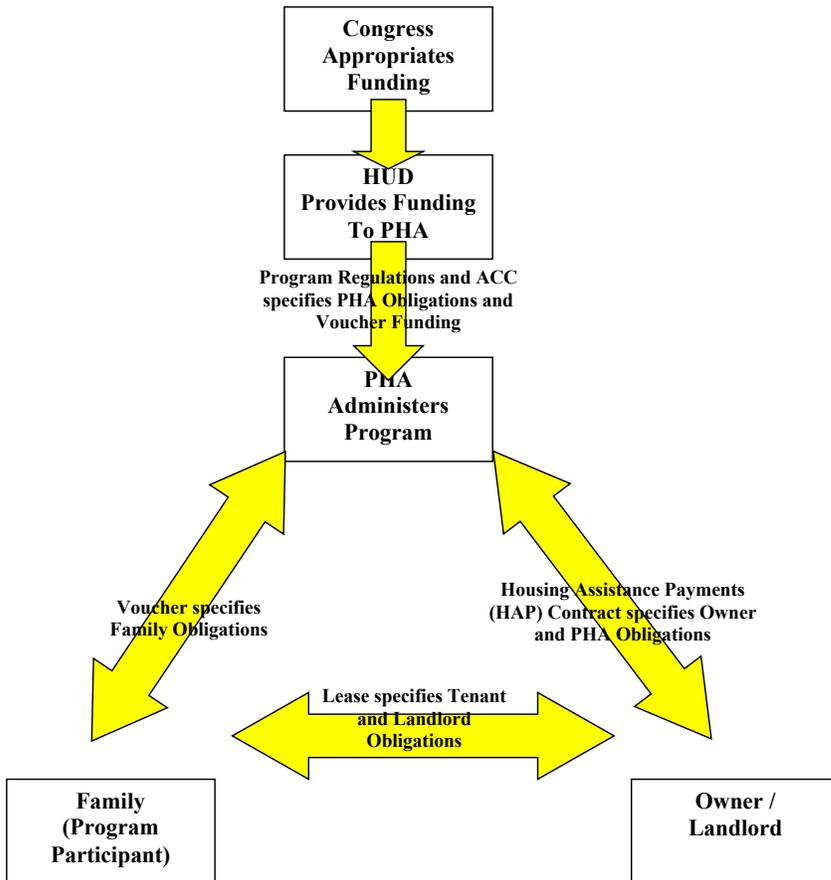
### **1-II.C. THE HCV PARTNERSHIPS**

To administer the HCV program, the PHA enters into a contractual relationship with HUD (Consolidated Annual Contributions Contract). The PHA also enters into contractual relationships with the assisted family and the owner or landlord of the housing unit.

For the HCV program to work and be successful, all parties involved – HUD, the PHA, the owner, and the family – have important roles to play. The roles and responsibilities of all parties are defined in federal regulations and in legal documents that parties execute to participate in the program.

The chart on the following page illustrates key aspects of these relationships.

**The HCV Relationships:**



**What Does HUD Do?**

HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement HCV housing program legislation passed by Congress;
- Allocate HCV program funds to PHAs;
- Provide technical assistance to PHAs on interpreting and applying HCV program requirements;
- Monitor PHA compliance with HCV program requirements and PHA performance in program administration.

**What Does the PHA Do?**

The PHA administers the HCV program under contract with HUD and has the following major responsibilities:

- Establish local policies to administer the program;
- Review applications from interested applicants to determine whether they are eligible for the program;
- Maintain a waiting list and select families for admission;
- Issue vouchers to eligible families and provide information on how to lease a unit;
- Conduct outreach to owners, with special attention to owners outside areas of poverty or minority concentration;
- Approve the rental unit (including assuring compliance with housing quality standards and rent reasonableness), the owner, and the tenancy;
- Make housing assistance payments to the owner in a timely manner;
- Recertify families for continued eligibility under the program;
- Ensure that owners and families comply with their contractual obligations;
- Provide families and owners with prompt, professional service;
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the PHA's administrative plan, and other applicable federal, state and local laws.

**What Does the Owner Do?**

The owner has the following major responsibilities:

- Screen families who apply for tenancy, to determine suitability as renters.
  - The PHA can provide some information to the owner, but the primary responsibility for tenant screening rests with the owner.
  - The owner should consider family background factors such as rent and bill-paying history, history of caring for property, respecting the rights of others to peaceful enjoyment of the property, compliance with essential conditions of tenancy, whether the family is engaging in drug-related criminal activity or other criminal activity that might threaten others.
- Comply with the terms of the Housing Assistance Payments contract executed with the PHA;
- Comply with all applicable fair housing laws and do not discriminate against anyone;
- Maintain the housing unit in accordance with Housing Quality Standards (HQS) and make necessary repairs in a timely manner;
- Collect rent due from the assisted family and otherwise comply with and enforce provisions of the dwelling lease.

**What Does the Family Do?**

The family has the following responsibilities:

- Provide the PHA with complete and accurate information as determined by the PHA to be necessary for administration of the program;
- Make their best and most timely efforts to locate qualified and suitable housing;
- Attend all appointments scheduled by the PHA;
- Allow the PHA to inspect the unit at reasonable times and after reasonable notice;
- Take responsibility for care of the housing unit, including any violations of housing quality standards caused by the family;
- Comply with the terms of the lease with the owner;
- Comply with the family obligations of the voucher;
- Not commit serious or repeated violations of the lease;
- Not engage in drug-related or violent criminal activity;
- Notify the PHA and the owner before moving or terminating the lease;
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit, assign the lease, or have any interest in the unit;
- Promptly notify the PHA of any changes in family composition;

Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

#### **1-II.D. APPLICABLE REGULATIONS**

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 985: The Section 8 Management Assessment Program (SEMAP)

## **PART III: THE HCV ADMINISTRATIVE PLAN**

### **1-III.A. OVERVIEW AND PURPOSE OF THE PLAN**

The administrative plan is required by HUD. The purpose of the administrative plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the PHA's agency plan. This administrative plan is a supporting document to the PHA agency plan, and is available for public review as required by CFR 24 Part 903.

This administrative plan is set forth to define the PHA's local policies for operation of the housing programs in accordance with federal laws and regulations. All issues related to the HCV program not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices, and other applicable law. The policies in this administrative plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

The PHA is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the HCV program and the functions and responsibilities of PHA staff shall be in compliance with the PHA's personnel policy and HUD regulations as well as all federal, state and local fair housing laws and regulations.

### **1-III.B. CONTENTS OF THE PLAN [24 CFR 982.54]**

The HUD regulations at 24 CFR 982.54 define the policies that must be included in the administrative plan. They are as follow:

- Selection and admission of applicants from the PHA waiting list, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list (Chapter 4);
- Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions or suspensions of the voucher term. 'Suspension' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension (Chapter 5);
- Any special rules for use of available funds when HUD provides funding to the PHA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter 4);

- Occupancy policies, including definition of what group of persons may qualify as a 'family', definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 3 and 12);
- Encouraging participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 13);
- Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2);
- Providing information about a family to prospective owners (Chapters 3 and 9);
- Disapproval of owners (Chapter 13);
- Subsidy standards (Chapter 5);
- Family absence from the dwelling unit (Chapter 12) ;
- How to determine who remains in the program if a family breaks up (Chapter 3);
- Informal review procedures for applicants (Chapter 16);
- Informal hearing procedures for participants (Chapter 16);
- The process for establishing and revising voucher payment standards (Chapter 16);
- The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 8);
- Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 15);
- Policies concerning payment by a family to the PHA of amounts the family owes the PHA (Chapter 16);
- Interim redeterminations of family income and composition (Chapter 11);
- Restrictions, if any, on the number of moves by a participant family (Chapter 10);
- Approval by the board of commissioners or other authorized officials to charge the administrative fee reserve (Chapter 16);
- Procedural guidelines and performance standards for conducting required housing quality standards inspections (Chapter 8); and
- PHA screening of applicants for family behavior or suitability for tenancy (Chapter 3).

### Mandatory vs. Discretionary Policy

HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and
- Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects PHAs to adopt local policies and procedures that are consistent with mandatory policies in areas where HUD gives the PHA discretion. The PHA's administrative plan is the foundation of those policies and procedures. HUD's directions require PHAs to make policy choices that provide sufficient guidance to staff and ensure consistency to program applicants and participants.

Creating policies based upon HUD guidance is not mandatory, but provides a PHA with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If a PHA adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than HUD's safe harbor, but PHAs should carefully think through those decisions.

### 1-III.C. ORGANIZATION OF THE PLAN

The plan is organized to provide information to users in particular areas of operation.

### 1-III.D. UPDATING AND REVISING THE PLAN

The PHA will revise this administrative plan as needed to comply with changes in HUD regulations. The original plan and any changes must be approved by the board of commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

#### SHA Policy

The PHA will review and update the plan at least once a year, and more often if needed, to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation.

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## Part IV Definitions

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***Affiliated Individual.*** The term affiliated individual member means, with respect to a person:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage

***Annual Income.*** As defined in 24 CFR 5.609 and Appendix A of this *Administrative Plan*.

***Applicant (applicant family.)*** A family that has applied for admission to the program but is not yet a participant in the program.

***Applicant break-up.*** In accordance with 24 CFR 982.206(c), it is the policy of the SHA that an otherwise closed waiting list may remain open to former members of an applicant family that breaks up. On a case-by-case basis, a program manager will give consideration to the former members of an applicant family who retain custody of the children, the interests of elderly or disabled household members, and to actual or threatened physical violence against the former members by a spouse or other member of the applicant household.

***Change in income.*** A change in income from wages occurs at the time a household member begins new employment (i.e. on the first day of training/work), not on the date the first paycheck is received. All changes in income, whether related to wages or other source, must be reported to the SHA office, in writing, within ten (10) days of the date the participant knows there will be a change in income for any reason.

***Co-head of household.*** An individual in the household who is equally responsible for the lease with the head of household. This individual is not listed on the voucher.

***Contested case.*** A proceeding in which the legal rights, duties, obligations, privileges, benefits or other legal relations of specific parties are required by constitutional right or by statute to be determined by an agency by decisions, determinations or orders, addressed to them or disposing of their interests, after opportunity for an agency hearing.

***Continuously assisted.*** As defined in 24 C.F.R. 982.4 and 982.201(d) and to include the SHA's policy limiting the extent of the brief interruption of an applicant's prior participation to 120 days. The SHA will consider a low-income household for admission to the Housing Choice

Voucher Program as continuously assisted if the household was a former participant of the SHA Section 8 unit-based program and extenuating circumstances exist.

**Contract unit.** Defined in the Housing Assistance Payments Contract as the housing unit rented by the tenant.

**Credible Evidence.** Evidence presented by one side that more likely than not proves their position. Evidence that is worthy of belief, or trustworthy.

**Date of Admission.** HUD adopted two separate dates of admission for the Housing Choice Voucher Program, effective April 7, 2016. The date of admission is typically the date of lease up (i.e. the effective date of the HAP-Contract). The second date of admission is the date of voucher issuance as it relates to verification of Social Security Numbers. Specifically, the endpoint of the 6 month period during which a family member under the age of 6 years who lacks a social security number may be added to an applicant household is the date of voucher issuance; the 90-day period allotted to such a family to obtain the SSN for the newly added child begins at lease up.

**Day.** A day is defined to mean any day of the year, including Saturdays, Sundays and legal holidays. It is the policy of the SHA to calculate time deadlines in consecutive days unless specified otherwise.

**Eligibility.** As defined in 24 C.F.R. 982.201 and to include all the related definitions of HUD and the discretionary policies of the SHA.

**Exception rent.** In accordance with 24 C.F.R. 982.503(b)(v) the PHA may establish an exception payment standard of not more than 120 percent of the published FMR if required as a reasonable accommodation in accordance with 24 CFR part 8 for a family that includes a person with a disability. Any unit approved under the exception payment standard must still meet the rent reasonable requirements found at 982.507. The PHA may establish an exception payment standard of more than 120 percent of the published FMR if required as a reasonable accommodation in accordance with 24 CFR part 8 for a family that includes a person with disability after approval from HUD.

**Extenuating circumstance.** The following conditions are recognized by the SHA as extenuating circumstance that may affect the SHA's administration of the program:

- Domestic violence;
- A serious housing quality standards violation;
- A serious health and safety violation;

- A catastrophe such as a fire, flood or other act of nature; or
- A risk of violence against a household member as a reprisal for providing information to a law enforcement agency, or because of his or her race, color, religion, sex, national origin, handicap, or familial status.

On a case-by-case basis, the SHA may consider an exception to one of its standard policies if there is evidence that one of these conditions is present. In addition, the SHA may request a waiver from HUD, on a case-by-case basis, to one of the Housing Choice Voucher Program regulations if there is evidence that one of these conditions is present.

***Extremely Low Income Family.*** A family whose annual income does not exceed the higher of:

- (1) The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved; or
- (2) 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

***Family.*** As defined in 24 C.F.R.5.403 and to include the term “household” as defined by the SHA.

***Family break up.*** As defined in 24 C.F.R. 982.315 and to include the SHA’s policy to determine which members of an assisted family continue to receive assistance if the family breaks up. Generally, the assistance will remain with the household members who remain in the contract unit. On a case-by case basis a program manager will give consideration to the household members who retain custody of the children, the interests of elderly or disabled household members, and to actual or threatened physical violence against the household members by a spouse or other member of the household. Members of the household who are not part of the assisted household (not listed on the current *Family Report* and the owner’s lease) at family break up are not entitled to be considered to succeed as the Voucher holder. If the Voucher holder passes away leaving only minor children in the assisted unit, the program manager may consider a request to transfer the Voucher into the name of the individual named as guardian of the minor children.

***Family Composition.*** As defined in 24 C.F.R. 982.201 and to include the SHA’s policy regarding the denial or the removal of an individual as a household member. The owner will determine who can live in the contract unit based on the owner’s selection policies and accordance with local and state law. The SHA, however, may prohibit any person who owes the

program money or has committed fraud or abuse in any component of the Section 8 Program, or who has a disqualifying criminal history from being a member living in a contract unit or being a member of an applicant household.

**Family unit size.** As defined in 24 C.F.R. 982.4 and to include the SHA's "subsidy standards" to determine the appropriate number of bedrooms for a household.

**Guest policy.** As defined in the lease agreement and to include SHA's policy limiting visitation of any person to a maximum of thirty (30) days, cumulative, during the twelve (12) months comprising the household's annual certification period.

**Habitable room.** As defined in the New Jersey State Housing Code (N.J.A.C. 5:28-1.2) habitable room means "a room or enclosed floor space within a dwelling unit used or designed to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

**Hazard.** As defined in New Jersey Administrative Code (N.J.A.C. 5:10-2.2), hazard means "a condition which because of faulty construction of the premises creates significant and recognizable danger or risk to the health and safety of persons on or near the premises."

**Head of Household.** The one adult member of the family who is the head of the household for purposes of determining income eligibility and rent (24 C.F.R. 5.504, Definitions).

**Household.** Two or more persons sharing a "domicile", as defined in 24 C.F.R. 982.4, whose income and resources are available to meet the household's need and who are related by blood, marriage, operations of law, or give evidence of a stable relationship that has existed over a period of time.

**Housing Assistance Payment.** As defined in 24 C.F.R. 982.4 and to include SHA's policy that the effective date of the initial payment will be for the first of the month. An exception of this policy may be considered if extenuating circumstances exist.

**In good standing.** Indicates that a participant is in full compliance with all program regulations and policies as determined by the SHA.

**Information about tenant.** As defined in 24 C.F.R. 982.307(b) and to include the SHA's policy to inform a prospective owner or a household's current owner if a household owes rent or other amounts to the program, or to another PHA. The SHA complies with the regulatory requirement

to provide notice “to all families and to all owners” by inclusion of this policy in the SHA’s Guide to the Housing Choice Voucher Program.

**Information packet.** As defined in 24 C.F.R. 982.301(b). The SHA complies with the requirement of this section by providing every participant with a copy of the SHA’s guide to the Housing Choice Voucher Program.

**Jurisdiction.** As defined in 24 C.F.R. 982.4, the jurisdiction of the SHA is the County of Salem in the State of New Jersey.

**Life Threatening.** “Failing conditions presenting an immediate danger to health and safety”, as described in the Housing Inspection Manual (HUD).

**Live-in aide.** As defined in 24 C.F.R. 5.403, 982,316 and further defined in this Administrative Plan. For the SHA to approve a live-in aide for a participant, a physician must submit a signed Certification of Need for Live-in Aide. The physician’s Certification of Live-in Aide must be submitted during each annual recertification for as long as a live-in aide is needed by the household member(s). Furthermore, it is the policy of SHA to allow one bedroom for a live-in aide

**Manufactured Home.** A manufactured home is defined as a manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets housing quality standards. The manufactured home must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage.

**Maximum family share at initial occupancy.** At the time the program approves a tenancy for initial occupancy of a dwelling by a family with tenant-based assistance, and where the gross rent of the unit exceeds the applicable payment standard amount for the family, the family share must not exceed 40 percent of the family’s adjusted monthly income. (24 C.F.R. 982.508)

**Minimum rent.** As required by 24 C.F.R. 5.630 and to include SHA’s policy of establishing \$50.00 as the participant’s minimum rent.

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

**Non-contending household member.** An individual who does not contend to have eligible immigration status. Individuals who do not contend legal immigration status may reside in an assisted housing unit only as long as there are members of the household who contend and are

confirmed to be U.S. citizens or have legal immigration status as defined by the Housing And Community Development Act of 1980. Such a household is classified as a mixed household and is eligible for pro-rated housing assistance.

***Nonresident applicant.*** In accordance with 24 C.F.R. 982.353(c), an applicant household that did not reside within SHA's jurisdictional area when they applied to the program does not have any right to portability when they are initially selected for participation. The program must assist a nonresident applicant household for twelve (12) months in SHA's jurisdiction before the household has the right to receive housing assistance outside of SHA's jurisdiction.

***Ordinary wear and tear.*** Means "damage that takes place from normal, careful use of the property" (see page 9 of Tenant's Rights in New Jersey, published by Legal Service of New Jersey in 2000).

***Pattern.*** A mode of behavior or series of acts that are recognizably consistent. In determining whether a pattern is established, the SHA will consider all drug related offenses, even if they are outside the five (5) year period of time established as reasonable.

***Person with disabilities.*** As defined on page i of the Family Report Form HUD-50058, a person with disabilities has one or more of the following:

- A disability as defined in section 223 of the Social Security Act;
- A physical, mental, or emotional impairment which is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of such a nature that such ability could be improved by more suitable housing conditions; or
- A developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

***Preponderance of the Evidence.*** The greater weight of the evidence; superior evidentiary weight, though not sufficient to free the mind wholly from all reasonable doubt, is still sufficient to incline a fair and impartial mind to one side of the issue rather than the other, establishing that it is more likely than not a fact that is true.

***Receipt of the housing assistance payment by the owner.*** The housing assistance payment is deemed received by the owner on the date the program mailed the check to the owner.

***Remaining Member of an Assisted Household.*** A member of an assisted household who remains in the unit after other members of the household have left the unit. This term does not include an individual who is an unrelated member of the household who was necessary to care for the wellbeing of an elderly or disabled head of household or spouse and whose income was not counted eligibility purposes or to determine total tenant payment. (see 24 C.F.R. 5.403)

**Selection policy.** As defined in Chapter 4 of this Administrative Plan.

**Shared Housing.** Shared housing is a housing unit occupied by two (2) or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A family may consist of one or more household members. The SHA allows all families and individuals to participate in shared housing arrangements.

**Special housing types.** As defined in 24 C.F.R. 982, Subpart M – Special Housing Types.

**Spouse.** Defined on page 14 of the Family Report Form HUD-50058 Instruction Booklet, as “the marriage partner of the head of household”.

**Subsidy standards.** As defined in 24 C.F.R. 982.4 and to include the SHA’s policy that establishes the standards used to determine the number of bedrooms listed on a household’s Voucher and the exceptions standards.

**Suspension.** Stopping the clock on the term of a family’s Voucher from the date the program receives a Request for Approval of Tenancy form up until the date the program approves or denies the request.

**Tenant.** As defined in 24 C.F.R. 982.4 and to include “head of household.”

**Tenant rent to owner.** As defined in 24 C.F.R.982.4

**Tenant’s legal capacity to enter a lease.** As defined in 24 C.F.R. 982.308(a) and to include a head of household, under 18 years of age, who is able to provide a judicial decree of emancipation that entitles the minor to contract for necessities.

**Tuition.** – Effective December 10, 2015 the definition of tuition is as follows: “For purposes of determining the eligibility of a person to receive assistance under Section 8 of the United States Housing Act of 1937 (42U.S.C. 1437f), any financial assistance in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965, from private sources, or any institution of higher education (as defined under the Higher Education Act of 1965) shall be considered income to that individual, except for a person over the age of 23 with dependent children. Thus, in accordance with 24 CFR 5.609(b)(9), PHAs must include amounts of financial assistance an individual receives in excess of tuition and other required fees and charges when determining annual income.

***Vacated unit.*** The term “vacated unit” means that no member of the household is residing in the unit, the household had not advised SHA of an absence from the unit, and the household owes rent to the owner.

***Violent Crime.*** The SHA adopted the Federal Bureau of Investigation’s definition of violent crime: murder and nonnegligent manslaughter, forcible rape, robbery and aggravated assault. Violent crimes are defined as those offenses which involve force or the threat of force.