

Chapter 1

OVERVIEW OF THE PROGRAM AND THE PLAN

INTRODUCTION

The PHA receives its operating subsidy for the public housing 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 public housing program. The PHA must ensure compliance with federal laws, regulations and notices and must establish policies 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 public housing program. It also contains information about the purpose, intent and use of the plan and the 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 Public Housing Program. This part contains information about public housing operation, roles and responsibilities, and partnerships.

Part III: The Admissions and Continued Occupancy (ACOP). This part discusses the purpose and organization of the plan and its revision requirements.

Part IV: Definitions.

PART I: THE PHA

1.I.A. OVERVIEW

This part describes 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

Public housing is funded by the federal government and administered by the Salem Housing Authority for the jurisdiction of the city of Salem, county of Cumberland.

PHAs are governed by a board of officials that are generally called "commissioners". Although some PHAs may use a different title for their officials, this document will hitherto refer to the "board of commissioners" ore the "board" when discussing the board of governing officials.

Commissioners are appointed in accordance with the state housing law and generally serve in the same capacity as the directors of a corporation. The board of commissioners establishes policies under which the PHA conducts business, and ensures that those policies are followed by PHA staff. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability and success.

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

The principal staff member of the PHA is the executive director (ED), who is selected and hired by the board. The ED oversees the day to day operations of the PHA and is directly responsible for carrying out the policies established by the commissioners. The ED's duties include hiring, training and supervising the PHA's staff, as well as budgeting and financial planning for the agency. Additionally, the ED is charged with ensuring compliance with federal and state laws, and program mandates. In some PHAs, the ED is known by another title, such as chief executive officer or president.

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 the basis for strategy development, identification of critical success factors, resource allocation decisions, as well as ensuring client and stakeholder satisfaction.

SHA Policy

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 the 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 the city, state and national governments in identifying and addressing housing needs.

1-I.D. The PHA'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, the PHA is committed to providing excellent service to all public housing applicants, residents, and the public. In order to provide superior service, the PHA resolves to:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurements indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing in good repair – in compliance with program uniform physical condition standards – for very low- and low-income families.
- Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals.
- 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 opportunity for very low-and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to participate in the public housing program and its services.
- Create positive public awareness and expand the level of family 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 commitment to our employees and their developments.

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

PART II: THE PUBLIC HOUSING PROGRAM

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

The intent of this section is to provide the public and staff an overview of the history and operation of public housing

The United States Housing acts of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Housing Act of 1965 established the availability of federal assistance, administered through local public agencies, to provide rehabilitation grants for home repairs and rehabilitation. This act also created the federal Department of Housing and Urban Development (HUD).

The Housing Act of 1969 created an operating subsidy for the public housing program for the first time. Until that time, public housing was a self-sustaining program.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) - also known as the Public Housing Reform Act or Housing Act of 1998-m was signed into law. Its purpose was to provide more private sector management guidelines to the public housing program and provide residents with greater choices. It also allowed PHAs more remedies to replace or revitalize severely distressed public housing developments. Highlights of the Reform Act include: the establishment of flat rents; the requirement for PHAs to develop five-year and annual plans; income targeting, a requirement that 40% of all new admissions in public housing during any given fiscal year be reserved for extremely low-income families; and resident self-sufficiency incentives.

1-II.B. PUBLIC HOUSING PROGRAM BASICS

HUD writes and publishes regulations in order to implement public housing laws enacted by Congress. HUD contracts with the PHA to administer programs in accordance with HUD regulations and provides an operating subsidy to the PHA. The PHA must create written policies that are consistent with HUD regulations. Among these policies is the PHA’s Admissions and Continued Occupancy Policy (ACOP). The ACOP must be approved by the board of commissions of the PHA.

The job of the PHA pursuant to HUD regulations is to provide decent, safe, and sanitary housing, in good repair, to low-income families at an affordable rent. The PHA screens applicants for public housing and, if they are determined to be eligible for the program, the PHA makes an offer of a housing unit. If the applicant accepts the offer, the PHA and the applicant will enter into a written lease agreement. At this point, the applicant becomes a tenant in the public housing program.

In the context of the public housing program, a tenant is defined as the adult person(s) (other than a live-in aide who(1) executed the lease with the PHA as a lessee of the dwelling unit, and who is the remaining head of household of the tenant family residing in the dwelling unit, or, if no such person now resides in the unit,(2) who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.[24 CFR 966.53]. The Public Housing Occupancy Guidebook refers to tenants as “residents.” The terms “tenant” and “resident” are used interchangeably in this policy. Additionally, this policy uses the term “family” or “families” for residents or applicants, depending on context.

Since the PHA owns the public housing development, the PHA is the landlord. The PHA must comply with all of the legal and management responsibilities of a landlord in addition to administering the program in accordance with HUD regulations and PHA policy.

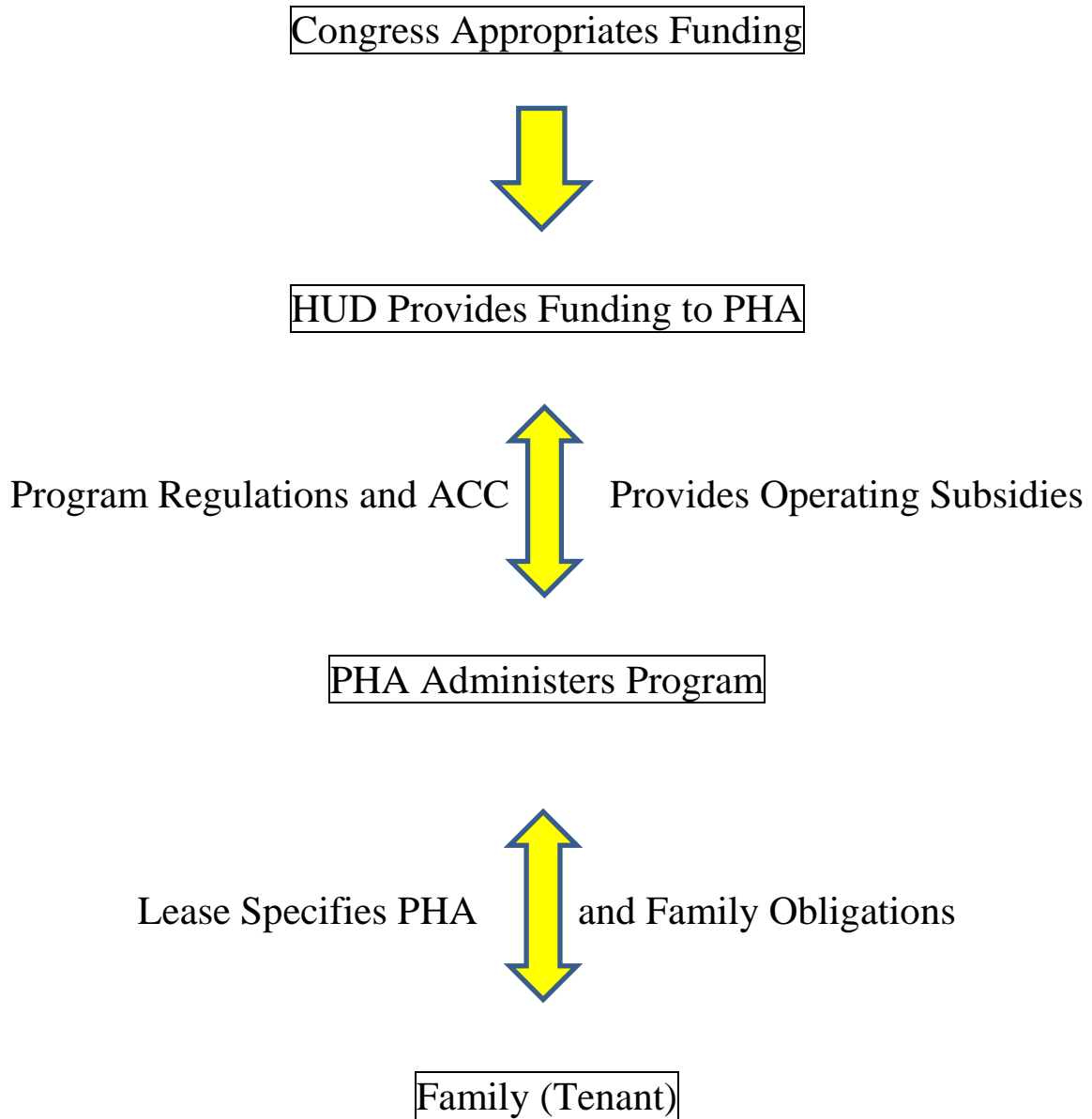
1-II.C. PUBLIC HOUSING PARTNERSHIPS

To administer the public housing program, the PHA must enter into an Annual Contributions Contract (ACC) with HUD. The PHA also enters into a contractual relationship with the tenant through the public housing lease. These contracts define and describe the roles and responsibilities of each party.

In addition to the ACC, the PHA and family must also comply with federal regulations and other HUD publications and directives. For the program to work and be successful, all parties involved-HUD, the PHA, and the tenant- play an important role.

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

THE PUBLIC HOUSING RELATIONSHIP



What does HUD do?

Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement housing legislation passed by Congress
- Allocate operating subsidies to PHAs
- Allocate capital funding to PHAs
- Provide technical assistance to PHAs on interpreting and applying program requirements
- Monitor PHA compliance with program requirements and PHA performances in program administration.

What does the PHA do?

The PHA's responsibilities originate in federal regulations and the ACC. The PHA owns and manages public housing developments, administers the program under the contract with HUD and has the following major responsibilities:

- Ensure compliance with all non-discrimination, equal opportunity, and fair housing laws, and ensure that the program is accessible to persons with disabilities.
- Establish local policies and procedures for operating the program
- Accept applications from interested applicant families and determine whether they are income eligible for the program
- Maintain waiting list and select families for admission
- Screen applicant families for suitability as renters
- Maintain housing units by making any necessary repairs in a timely manner
- Make unit offers to families (minimize vacancies without overcrowding)
- Maintain properties to the standard of decent, safe, sanitary, and in good repair (including assuring compliance with uniform physical conditions standards)
- Make sure the PHA has adequate financial resources to maintain its housing stock
- Perform regular reexaminations of family income and composition in accordance with HUD requirements
- Collect rent due from the assisted family and comply with and enforce provisions of the lease
- Ensure that families comply with program rules
- Provide families with prompt and professional service
- Comply with HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the PHA's ACOP, and other applicable federal, state and local laws.

What does the tenant do?

The tenant's responsibilities are articulated in the public housing lease. The tenant has the following broad responsibilities:

- Comply with the terms of the lease and PHA house rules, as applicable
- Provide the PHA with complete and accurate information, determined by the PHA to be necessary for administration of the program.
- Cooperate in attending 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 uniform physical standards caused by the family
- Not engage in drug-related or violent criminal activity
- Notify the PHA before moving or termination of the lease
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit or assigned the lease
- 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
- Take care of the housing unit and report maintenance problems to the PHA promptly.

If all parties fulfill their obligations in a professional and timely manner, the program responsibilities will be fulfilled in an effective manner.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Regulations
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated housing
- 24 CFR Part 960: admission and Occupancy Policies
- 24 CFR Part 965: PHA-Owned or Leased Projects-General Provisions
- 24 CFR Part 966: Lease and Grievance Procedures

PART III: THE ADMISSIONS AND CONTINUED OCCUPANCY POLICIES

1-III.A. OVERVIEW AND PURPOSE OF THE POLICY

The ACOP is the PHA's written statement of policies used to carry out the housing program in accordance with federal law and regulations, and HUD requirements. The ACOP is required by HUD and it must be available for public review [24 CFR 24 Part 903]. The ACOP also contains Policies that support the objectives contained in the PHA's Agency Plan.

All issues related to public housing not address in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices and applicable state and local laws. The policies in this ACOP 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 public housing. If such changes conflict with this plan, HUD regulations will have precedence.

1-III.B. CONTENTS OF THE POLICY

Unlike the housing choice voucher program, HUD regulations for public housing do not contain a list of what must be included in the ACOP. However, individual regulations contain requirements of inclusion in the PHA's written policy. At a minimum, the ACOP plan should cover PHA policies on these subjects:

- The organizations of the waiting list and how families are selected and offered available units, including any PHA admission preferences, procedure for removing applicants names from the waiting list, and procedures for closing and reopening the PHA waiting list (Chapters 4 and 5)
- Transfers policies and the circumstances under which a transfer would take precedence over an admission (Chapter 12)
- Standards for determining eligibility, suitable for tenancy, and the size and type of the unit needed (Chapter 3 and 5)
- Procedures for verifying the information the family has provided (Chapter 7)
- The method for achieving deconcentration of poverty and income-mixing of public housing developments (Chapter4)
- Grievance procedures (Chapter 14)
- Policies concerning payment by a family to the PHA of amounts the family owes the PHA (Chapter 15 and 16)
- Interim redeterminations of family income and composition (Chapter9)
- Policies regarding community service requirements; (Chapter 11)
- Policies and rules about safety and ownership of pets in public housing (Chapter10).

New Approach to Policy Development

HUD has developed an approach to monitoring PHAs that emphasizes the importance of consistency in operation and decision-making. The ACOP supports that goal by clearly setting forth the PHA's operating policies.

A primary focus of HUD's Rental Integrity Monitoring (RIM) program has been consistency in how PHAs conduct business and in how HUD monitors PHA activities. Referring to and following the ACOP is essential to maintaining consistency in applying PHA policy.

HUD makes a distinction between mandatory policies and non-mandatory policies:

- Mandatory policies: those driven by legislation, regulations, current handbooks, current PIH notices, and legal opinions from the Office of General Counsel
- Optional, non-binding guidance: includes guidebooks, FAQs, PIH notice that have expired, and recommendations from individual HUD staff.

HUD expects PHAs to develop policies and procedures that are consistent with mandatory policies and to make clear the optional policies the PHA has adopted. The ACOP is comprised of mandatory policies and optional PHA policy. HUD's new direction emphasizes the need for a clearly written and comprehensive ACOP to guide staff in the clear and consistent application of policy.

HUD suggestions, recommendations, written issuances, and guidance are consistent with mandatory federal policy. Therefore, using HUD guidance in the preparation of PHA policy, even though it is not mandatory, provides a PHA with a "safe harbor." If a PHA adopts its own optional policy, it must make its own determination that such policy 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 that suggested by HUD, but PHAs should carefully think through those decisions and be able to articulate how their policy is consistent with federal laws, regulations and mandatory policy.

1-III.C. UPDATING AND REVISING THE POLICY

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

SHA Policy

The PHA will review and update the ACOP as needed to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation.

PART IV: DEFINITIONS

Annual Income. As defined in 24 CFR 5.609.

Applicant (applicant family.) A family that has applied for admission to public housing but is not yet a tenant in public housing.

Applicant break-up. 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.

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.

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. Includes all the related definitions of HUD and the discretionary policies of the SHA.

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 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.

Family. As defined in 24 C.F.R.5.403 and to include the term ‘household’ as defined by the SHA.

Family break up. The PHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up. 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 lease) at family break up are not entitled tenancy in the public housing unit. If the tenant passes away leaving only minor children in the assisted unit, the program manager may consider a request to transfer the unit into the name of the individual named as guardian of the minor children.

Family Composition. Includes the SHA’s policy regarding the denial or the removal of an individual as a household member. The public housing authority will determine who can live in the public housing unit based on the PHA’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 Public Housing Program, or who has a disqualifying criminal history from being a member living in a unit or being a member of an applicant household.

Family unit size. As defined in the Public Housing Guidebook, p. 62, and to include the SHA's "occupancy 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 fourteen (14) days, cumulative, during the twelve (12) months comprising the household's annual certification period.

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.

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

Jurisdiction. As defined in 24 C.F.R. 982.4, the jurisdiction of the SHA is the County of Cumberland 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).

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.

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.

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 well-being 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 Admissions and Continued Occupancy Plan.

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

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

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.

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 PHA.

Violent Crime. A crime that has an element the use, attempted use, or substantive risk of use of physical force against the person or property of another.