

# Table of Contents

1

1 - 20240626 PJCDA Notice and Agenda (01)	2
2.0 - 20240529 PJCDA Meeting Minutes - Proposed	3
3.1 - 20240626 - Bill Listing	6
3.2 - 20240626 - Projections	7
3.3 - 20240626 - Bank Accts	8
3.4 - 20240626 - Income	9
3.5.1 - 20240626 - Expenses - pg 1	10
3.5.2 - 20240626 - Expenses - pg 2	11
3.6 - - Shredding Co	12
4.0 - S8 - SECTION 8 PROGRAM UPDATE June 2024 (02)	16
4.1 - S8 2025 5- Year Plan (02) - for Comment	17
4.2 -20240424 - S8 2024 Admin plan draft (02) - for Comment	26
4.3 - 2024.06.26 PJCDA Resolution - S8 - 2024 5-Year and Admin Plans (02)	119
5 - 20240626 PJCDA Director's Report-Summary (01)	120

**PORT JERVIS COMMUNITY DEVELOPMENT AGENCY  
(PJCDA)  
MEETING NOTICE and AGENDA for **Wednesday, June 26, 2024**  
134 Pike St., 1st Floor, Port Jervis, NY 12771  
7:00 p.m.  
In Person Only**

1. ROLL CALL
2. READING/APPROVAL OF MINUTES
  - A. May 29, 2024 – Meeting Minutes
3. APPROVAL OF THE FINANCIAL REPORTS
  - A. Administrative bills and revenues: June 2024
  - B. Monthly financial statement: May 2024
  - C. Shredding Company
4. SECTION 8 PROGRAM UPDATES & DIRECTOR'S REPORT
  - A. Section 8 Report and 5-Year Plan and Administrative Plan
  - B. Director's Report
5. COMMUNICATIONS
6. OLD BUSINESS
  - A. Grant/Project Tracking
7. NEW BUSINESS
8. PUBLIC COMMENT
9. EXECUTIVE SESSION
  - A. Loan Portfolio Review/Discussion
  - B. Independent Contractor HQS Inspector
10. SCHEDULING OF NEXT MEETING
  - A. July 24, 2024
11. ADJOURNMENT

**PROPOSED MINUTES**  
**PORT JERVIS COMMUNITY DEVELOPMENT AGENCY**  
**(PJCD)**  
**MEETING MINUTES**  
**WEDNESDAY, May 29, 2024**

**ROLL CALL:**

The May 29, 2024, PJCD board meeting was called to order by Chairwoman Trovei at 7:00 p.m. at 134 Pike St., 2nd floor, Port Jervis, NY 12771.

**Per Roll Call, the following members were present:**

Kristin Trovei, Chairwoman  
Michael Talmadge, Treasurer  
Jeffrey Rhoades, Secretary  
Jacqueline Dennison, Council Liaison  
Colin O'Connell, Member

**Absent:**

John Russell, Vice Chairman

**Also present were:**

Matthew Witherow, Esq.  
Valerie Maginsky, Exec. Director  
Nora Goetz, Section 8 Administrator

**Member(s) of the Public**

No one from the public was present.

**MINUTES**

The April 24, 2024, meeting minutes were reviewed and approved:

**Motion: Mr. Talmadge                      2<sup>nd</sup>: Mr. Rhoades              All Others in Favor**

**FINANCIALS and**

**A. Administrative Bills**

E.D. Maginsky reviewed the administrative bills in the amount of **\$24,816.76**. The total current admin balance is **\$770,250.92**. A motion was made to approve payment of the bills in the amount of **\$24,816.76**.

**Motion: Ms. Dennison                      2<sup>nd</sup>: Mr. Rhoades              All Others in Favor**

**B. Monthly Financial Report**

All bills received have been paid accordingly.

**Motion: Ms. Dennison                      2<sup>nd</sup>: Mr. Rhoades              All Others in Favor**

**SECTION 8 & DIRECTOR'S REPORT**

Administrator Goetz presented the May 2024 Section 8 report for review and comment. Leased HCV: 203, Leased Mainstream: 37, HAP, Mainstream, FSS Payments: \$167,386. Total Admin received: \$23,858.00 with all eligible waitlist applications, 375 families are on the waitlist. Two (2) waitlisted families are seeking housing.

The Section 8 Administrative Plan and Five-Year Plan public hearing notice for 6:00 PM on 6/11/24 at the Rec Center, 1<sup>st</sup> floor, was published on 4/26/24. Plan drafts are available for public viewing at the City Clerk's office and the Rec Center at 134 Pike St. Administrator Goetz and E. D. Maginsky, attended the PJP Community Collaboration meeting at the Erie Trackside on 5/9/2024.

Awaiting guidance from HUD, implementation of NSPIRE is in process.

May 29, 2024

ACH direct deposit planning continues. As E.D. Maginsky is not an account signatory, she may not be the ACH Authorized Administrator. As an account signatory, Chairwoman Trovei was therefore nominated and approved to become the Jeff Bank ACH Authorized Administrator.

**Motion: Mr. Rhoades                      2<sup>nd</sup>: Mr. Talmadge      All Others in Favor**

E.D. Maginsky presented the May 2024 Director's report for review and comment, and it was approved:

**Motion: Mr. Talmadge                      2<sup>nd</sup>: Mr. O'Connell      All Others in Favor**

### **COMMUNICATIONS:**

4/25/24 – E.D. Maginsky and CDA Caseworker Bennett met with Patricia Korth/Jeff Bank, re: ACH planning.

5/2/24 – E.D. Maginsky attended the OC Fair Housing Training provided by Westchester Residential Opportunities. The next OC Fair Housing training may not be offered until next year. Training information for City use will be forwarded. Otherwise, City training on sexual harassment, bloodborne pathogens and violence in the workplace is expected in November 2024.

### **OLD BUSINESS:**

#### **Grants/Projects:**

- FY 2014 Housing NOFA – AHC- Annual outreach to participant homeowners is due.
- NY RESTORE - \$120k to demo 6 city owned dwellings Round 5 to be completed –
- NYS DEC WQIP – Land Acquisition – Project 1 Deerpark- two encroachments are being addressed, Project 2- Latini - the survey has been received and will be reviewed. On 5/8/24, Mayor Cicalese and Kyle Sanduski/OCLT participated in a NYS DEC WQIP presentation to potential WQIP applicants
- NYS DRI – Awarded 3/21/23 - \$10M – Project award announcements were made on 5/22/24. City Projects: Riverside Park - \$2.657M, Jersey Ave.-\$1,064,000, Small Projects-\$600k, Branding and Marketing - \$350k (RR Crossing at Fowler and 4<sup>th</sup> previously withdrawn as additional engineering is needed). Private Projects: 29 Front St.-\$1.5M, 103 Jersey Ave. - \$2M, 46 Front St. - \$707k, 22 Jersey Ave. \$522k 11 Sussex (Krause Photo) - \$300k, (Not awarded: Erie Heritage Center, 13 Sussex, 106 Ball St.) A planning meeting will be held late June with the City and NYS DOS.
- USDA Forest Service Urban and Community Forestry – the city will be partnering with Sustainable Forestry Initiative (SFI) <https://forests.org/>. E.D. Maginsky is performing outreach in development of new \$1M budget.
- RISC Technical Assistance Grants – paperwork for the spillway from Reservoir 1 and the replacement of the 24-inch water main was received for review.
- EV chargers – 1 Barclay St. – NYPA Evolve – comments were received from MHE and on behalf of Mayor Cicalese, project approval was provided by DPW.
- New York State DEC - Drinking Water Source Protection Plan (DWSP2) awarded January 31, 2024, and accepted by the PJCC on February 12, 2024, for a technical assistance grant, - initial internal data review and document collection has been initiated. MHE will continue with GIS information collection.
- FEMA Assistance to Firefighters Grant (AFG) - an application to replace all SCBAs and one RIT-PAK was submitted on 3/5/2024. A letter of support was received from Sen. Gillibrand's office. No update has been received.
- ESD RESTORE Round 8 – the project at 29 Front St. was submitted on 5/20/24 for \$2M. On 5/22/24, this same project was awarded \$1.5 M under the DRI.
- A New York State CREST grant application for \$55k towards a new FD command SUV (total estimate \$95k) to Senator Skoufis was approved by the PJCC on 3/20/24 and submitted on 3/25/24. A DASNY id number was received, and identification questions are to be answered by the Clerk's office.
- The OSI water protection grant submission for \$900k was written and submitted by OCLT.
- After notification on 4/26/24, two Community Funding Projects applications, one for funding towards a new fire engine and another for Jersey Ave street scape improvements were submitted on 4/29/24 to Congressman Pat Ryan's office. Notice was subsequently received that the fire engine application was selected for the next round of Congressional review.

May 29, 2024

- The Neversink Watershed Management Plan is ready for final committee review.
- E.D. Maginsky will bring the NYS Pro-Housing Communities program to the PJCC's attention.
- Two quotes for shredding have been received and clarifying questions are following. An independent contractor inspector job description is in process.
- NYS is encouraging participation in Climate Smart Community projects. The Hudson Valley Regional Council has two upcoming webinars about the new grants available.
- In the 2024 PJCDA budget, hiring of a part-time CDA staff will be pursued in the coming months.

**NEW BUSINESS:**

- The NYS Consolidated Funding Applications are now open.
- The NYS Office of Parks, Recreation and Historic Preservation and the Dormitory Authority of the State of New York have funding available in the New York Statewide Investment In More Swimming (NY SWIMS) Initiative. This program offers grants between \$50,000 and \$10 million to acquire, design, construct or reconstruct facilities, provide major renovations, improvements, and modernization or rehabilitation of swimming facilities and natural swimming areas. The first round and application period will open on June 13, 2024, and applications must be submitted by July 12, 2024. Award announcements are expected by August 28, 2024. A 20% match is required.
- E.D. Maginsky reviewed a 5/16/24 webinar on funds available through the Bipartisan Infrastructure Law (BIL) for water projects through the EPA and NYS DOH and NYS Environmental Facilities Corporation (EFC). If the City is interested, engineering reports are necessary for Intended Use Plan (IUP) application.

**PUBLIC COMMENT**

No member of the public was present.

**EXECUTIVE SESSION**

A motion was made to go into Executive Session at 7:31 PM to discuss loans and contractual issues:

**Motion: Mr. Talmadge                      2<sup>nd</sup>: Mr. O'Connell      All Others in Favor**

The PJCDA Board of Directors came out of Executive Session at 7:39 PM.

**Motion: Mr. Rhoades                      2<sup>nd</sup>: Ms. Dennison      All Others in Favor**

**ACTIONS AS A RESULT OF EXECUTIVE SESSION:**

None

**NEXT MEETING will**

The next meeting of the PJCDA Board of Directors is scheduled for June 26, 2024, at 7:00 p.m. at 134 Pike St., 1st Floor, Port Jervis, NY 12771. With prior notification to the PJCDA by tel.: 845-858-4024, or email: [Director@PJCDA.org](mailto:Director@PJCDA.org), ADA access is available.

**ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 7:40 PM.

**Motion: Mr. Rhoades                      2<sup>nd</sup>: Mr. O'Connell      All Others in Favor**

Rev: 5-30-24 (01) VM

**PJCDA EXPENSES June 27, 2024 - July 24, 2024**

		<u>Due Date(s)/Notes</u>
<b>PETTY CASH</b>	\$ 79.92	
SHREDDING/INCENERATION	\$ -	
<b>POSTAGE</b>	\$ -	
STAMPS/REPLENISH MACHINE	\$ 300.00	
FEDEX	\$ -	
Postage Machine	\$ -	
<b>SUPPLIES/EQUIPMENT</b>	\$ -	
GREATLAND	\$ -	
STAPLES	\$ 214.99	Reimburse VM
KONICA MINOLTA	\$ -	
OTHER: Office Supplies	\$ -	
Postage Machine - Supplies	\$ -	
OTHER: Office Supplies	\$ -	
OTHER: Office Supplies	\$ -	
<b>TELEPHONE: FRONTIER</b>	\$ -	
COMBINED FAX LINE CHARGES	\$ 73.65	
CITY BILL	\$ 71.56	
<b>SPECTRUM: Internet/Tel</b>	\$ 129.98	
<b>SUBSCRIPTIONS</b>	\$ -	
HAPPY Software	\$ -	
Microsoft 365	\$ -	
Dropbox Annual	\$ -	
Advertisement	\$ -	
<b>SERVICE CONTRACTS</b>	\$ -	
PJCDA - J. Santiago	\$ -	
PJCDA COUNSEL-MATTHEW D. WITHEROW, ESQ.	\$ 666.67	booked monthly
PJCDA ACCOUNTANT RALPH POLCARI	\$ -	
PJCDA BOOKKEEPER - ROBIN TOBEY	\$ 1,062.00	June 2024 Bookkeeping*
KONICA MINOLTA - Copier	\$ 45.50	Monthly
FRANCOTYP-POSTALIA - Postage Meter Rental	\$ -	
PKF O'Connor Davies	\$ -	
<b>DUES/MEMBERSHIPS</b>	\$ -	
OCATCV	\$ -	
HV Pattern for Progress	\$ -	
Pattern for Progress	\$ -	
<b>COMPUTER</b>	\$ -	
IT Spectrum:	\$ -	
Computer:	\$ -	
<b>LEGAL/AUDIT FEES</b>	\$ -	
<b>TRAINING/TRAVEL -</b>	\$ -	
Travel - CDA	\$ -	
Training - Travel - SC/CPJ	\$ 132.62	CFA - Rockland/MHREDC - New Paltz - Reim. VM
<b>EQUIFAX</b>	\$ 15.00	Monthly
	\$ -	
<b>PAYROLL</b>		
Salaries -	\$ 13,045.24	
FICA/Medicare	\$ 970.25	
<b>Health Insurance -</b>	\$ 1,445.66	
NYS Retirement	\$ 1,229.51	
Disability	\$ 15.06	Monthly
Dental	\$ 22.18	Monthly
Unemployment//Payroll Tax Adjustment	\$ -	
Workmens Compensation/Utica	\$ -	
Optical	\$ -	
<b>TOTAL</b>	<b>\$ 19,519.79</b>	

\* Estimated

Rev. 6-21-2024 - VM

## PJCD A PROJECTED REVENUES

June 27, 2024 - July 24, 2024

<u>Amount</u>	<u>Received/Pending</u>	<u>Source</u>
\$ 18,716.00	6/21/2024	Section 8 Admin
\$ 5,667.00	6/21/2024	Section 8 Admin MS
\$ 266.88	6/21/2024	Health Ins Reimbursement-City
\$ 657.19	6/21/2024	PDC Service
\$ 1,034.77	6/21/2024	Loan Proceeds
\$ 60.00	6/21/2024	Fraud Recovery
\$ 26,401.84	6/21/2024	Sub-total received
<u>Pending</u>		
\$ 5,000.00	6/21/2024	City Service - May
\$ 26,401.84	Received	
\$ 5,000.00	Pending	
\$ 31,401.84	6/21/2024	Total Estimated Rec. by May 31, 2024
\$ 430,754.29	6/21/2024	EST. Current Balance in S8 Admin Acts (Minus Xtra Ordinary \$15,772)
\$ 343,977.79	6/21/2024	EST. Current Balance in Small Cities Admin
\$ 774,732.08	6/21/2024	Estimated Agency balance
\$ 774,732.08	6/21/2024	Estimated Agency balance
\$ 31,401.84	6/21/2024	Estimated June Revenues
\$ (19,519.79)	6/21/2024	June bills paid in July 2024
\$ 786,614.13	6/21/2024	Estimated Ending Balance

Grants:

WQIP - \$36k admin over 3-years (thru year 2025)

Rev. 6-21-2024 - VM

	Jeff Bank #0681	Jeff Bank #0800	Jeff Bank#0606	Jeff Bank#0568	Jeff Bank#0074	Jeff Bank#0592	Jeff Bank#1475	Jeff Bank#0584	Totals
	HUD Housing  Revolving Loan Cit 593002-3330 Jeff: x0681 (20%)	HUD ED (former BOA x3657)  Revolving Loan Cit: 401029-6568 Jeff: x0800 (20%)	Section 8 (former BOA x1375)  Voucher-HAPs Sus: 20302-2749 Jeff: x0606	Section 8 (former BOA x0935)  Admin Sus: 20302-2731 Jeff: x0568	Section 8 FSS (former BOA x3944)  FSS-Escrow Sus: 20502-9413 Jeff: x0074	NYS Revolve (former BOA x1286)  RESTORE Sus: 20302-2525 Jeff: x0592	PDC Loans  Originates April 2019  Jeff: x1475	Small Cities  Est. 1/7/15 Admin Sus: 20303-0217 Jeff: x0584	
2024									
January	\$190,415.23	\$384,783.34	\$131,643.71	\$424,000.40	\$18,613.49	\$105,891.67	\$5,477.31	\$343,616.58	\$1,604,441.73
February	\$190,970.87	\$388,751.54	\$134,001.17	\$416,410.78	\$19,746.65	\$105,892.48	\$5,375.21	\$344,344.12	\$1,605,492.82
March	\$191,526.52	\$392,719.78	\$324,373.58	\$426,864.59	\$20,877.65	\$105,893.28	\$3,285.88	\$346,808.21	\$1,812,349.49
April	\$192,082.54	\$397,036.40	\$114,264.30	\$426,806.22	\$17,901.65	\$105,894.28	\$3,835.89	\$347,772.89	\$1,605,594.17
May	\$208,233.13	\$400,941.85	\$99,841.57	\$438,038.78	\$18,886.98	\$105,895.00	\$3,285.88	\$348,176.71	\$1,623,299.90
June	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
July	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sept	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
October	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
November	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
December 31st	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/20/2024	\$ 208,233.13	\$ 405,254.70	\$ 81,057.57	\$ 443,526.29	\$ 19,892.98	\$ 105,895.00	\$ 1,012.35	\$ 343,977.79	\$ 1,608,849.81
Committed Interest/Month	-\$1.36	-\$2.73							-\$4.09
Committed PDC Payment							-\$1,012.35		-\$1,012.35
Committed Extra Ordinary				-\$15,772.00					-\$15,772.00
Pending Program Income									\$0.00
Subtotal1	\$208,231.77	\$405,251.97	\$81,057.57	\$427,754.29	\$19,892.98	\$105,895.00	\$0.00	\$343,977.79	\$1,592,061.37
Committed S8 Funds			\$81,057.57		\$19,892.98				\$100,950.55
Available to Loans	\$208,231.77	\$405,251.97				\$105,895.00			\$719,378.74
Available to Agency Bills				\$427,754.29				\$343,977.79	\$771,732.08

SC Bill Totals:					
Jan 2024	\$ 8,460.55	May	\$ 8,908.53	Sept	\$ -
Feb	\$ 8,665.12	June	\$ -	Oct	\$ -
Mar	\$ 8,142.63	July	\$ -	Nov	\$ -
Apr	\$ 8,142.63	August	\$ -	Dec	\$ -

Notes:		
Allocated	S8 Escrow - #0074	\$19,892.98
Allocated	HAPS - #0606	\$81,057.57
Allocated	Interest	\$4.09
Allocated	PDC Loans	\$1,012.35
All Committed Total		\$101,966.99



## PORT JERVIS CDA

**2024 ADMINISTRATIVE FEES & PROGRAM  
INCOME**

	BUDGET	Budget Adjustment	Adjusted Budget	% Rec'd to Date	REC'D TO DATE	Jan 2024 (7.69%) - 4 weeks	FEB (15.39%) 4 Wks/8 Total	MARCH (25%) 5 Wks/13 T	APRIL (32.69%) 4 Wks/17 T	MAY (42.31%) 5 Wks/22 T	JUNE (50%) 4 Wks/26 T
Section 8 Administration - HCV + MS	\$ 250,000	\$ -	\$ 250,000	47%	\$ 118,542	\$22,860	\$26,104	\$ 22,860	\$ 22,860	\$ 23,858	\$ -
Section 8 Fraud Recovery (\$50/mo)	\$ 1,500	\$ -	\$ 1,500	70%	\$ 1,054	\$ 202	\$ 210	\$ 150	\$ 274	\$ 219	\$ -
(allowed to retain 50% of Fraud Recovery)											
Loan Commissions	\$ 12,000	\$ -	\$ 12,000	43%	\$ 5,174	\$ 1,035	\$ 1,035	\$ 1,035	\$ 1,035	\$ 1,035	\$ -
City of Port Jervis 2024 - \$60k = \$5,000 per/mth	\$ 60,000	\$ -	\$ 60,000	42%	\$ 25,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ -
Commission - PDC Servicing - Added May 2019	\$ 5,000	\$ -	\$ 5,000	70%	\$ 3,496	\$ 471	\$ 811	\$ 790	\$ 657	\$ 767	\$ -
Health Ins. Reimbursement - (\$66.72 per wk)	\$ 6,486	\$ -	\$ 6,486	23%	\$ 1,468	\$ 267	\$ 334	\$ 267	\$ 267	\$ 334	\$ -
Grant - WQIP (Yr. 1+2 of 3 - \$36,000)	\$ 30,000	\$ -	\$ 30,000	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other: (\$0.00 year)	\$ -	\$ -	\$ -	#DIV/0!	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Totals:</b>	<b>\$ 364,986</b>	<b>\$ -</b>	<b>\$ 364,986</b>	<b>42%</b>	<b>\$ 154,734</b>	<b>\$29,834</b>	<b>\$33,493</b>	<b>\$ 30,101</b>	<b>\$ 30,093</b>	<b>\$ 31,213</b>	<b>\$ -</b>

	<b>2024</b>	<b>Budget</b>	<b>Adjusted</b>	<b>%</b>	<b>Expensed</b>	<b>Jan 2024</b>	<b>FEB</b>	<b>MARCH</b>	<b>APRIL</b>	<b>MAY</b>	<b>JUNE</b>
<b>PJCDA ADMINISTRATIVE BUDGET - 2024</b>	<b>BUDGET</b>	<b>Adjustment</b>	<b>Budget</b>	<b>Expensed</b>	<b>To-Date</b>	<b>(7.69%) - 4</b>	<b>(15.39%)</b>	<b>(25%) 5</b>	<b>(32.69%)</b>	<b>(42.31%) 5</b>	<b>(50%) 4</b>
						<b>weeks</b>	<b>4 Wks/8</b>	<b>Wks/13 T</b>	<b>4 Wks/17 T</b>	<b>Wks/22 T</b>	<b>Wks/26 T</b>
							<b>Total</b>				
<b>PAYROLL (SALARIES &amp; BENEFITS) - PAGE 1</b>						DEC Final PR	JAN Final PR	FEB Final PR	MARCH Final PR	APR Final PR	MAY Final PR
Salaries	\$ 176,848	\$ -	\$ 176,848	41%	\$ 71,855	\$ 12,612	\$ 13,310	\$ 16,427	\$ 13,035	\$ 16,472	\$ -
Salary HI Buyout (\$196 per week) to NG	\$ 10,200	\$ -	\$ 10,200	42%	\$ 4,315	\$ 785	\$ 785	\$ 981	\$ 785	\$ 981	\$ -
FICA/Medicare	\$ 13,536	\$ -	\$ 13,536	39%	\$ 5,339	\$ 936	\$ 990	\$ 1,221	\$ 968	\$ 1,224	\$ -
Unemployment/Quarterly Payroll taxes	\$ 620	\$ -	\$ 620	208%	\$ 1,288	\$ 47	\$ -	\$ -	\$ 621	\$ 621	\$ -
Disability	\$ 210	\$ -	\$ 210	36%	\$ 75	\$ 15	\$ 15	\$ 15	\$ 15	\$ 15	\$ -
Retirement	\$ 17,171	\$ -	\$ 17,171	36%	\$ 6,114	\$ 1,022	\$ 1,034	\$ 1,292	\$ 1,230	\$ 1,537	\$ -
Health Insurance paid 1 month ahead (2024 ind. Est. at \$17,916, actual = 17,347.92 ) (Monthly Payment VM - \$ 1445.66 and from NG's buyout \$643. Otherwise, to NG \$196 per week paid to NG. (above)).	\$ 25,632	\$ -	\$ 25,632	36%	\$ 9,157	\$ 2,089	\$ 2,089	\$ 2,089	\$ 1,446	\$ 1,446	\$ -
Dental (2022=\$266.16 from 192)	\$ -	\$ 286.16	\$ 286	39%	\$ 111	\$ 22	\$ 22	\$ 22	\$ 22	\$ 22	\$ -
Optical	\$ -	\$ 100.00	\$ 100	100%	\$ 100	\$ -	\$ 100	\$ -	\$ -	\$ -	\$ -
Utica - Workers' Comp (July to July)	\$ 740	\$ -	\$ 740	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Sub-Total - Salaries:</b>	<b>\$ 244,957</b>	<b>\$ 386</b>	<b>\$ 245,343</b>	<b>40.09%</b>	<b>\$ 98,356</b>	<b>\$ 17,527</b>	<b>\$ 18,344</b>	<b>\$ 22,046</b>	<b>\$ 18,122</b>	<b>\$ 22,317</b>	<b>\$ -</b>

	2024 BUDGET	Budget Adjustment	Adjusted Budget	% Expensed	Expensed To-Date	Jan 2024 (7.69%) - 4 weeks	FEB (15.39%) 4 Wks/8 Total	MARCH (25%) 5 Wks/13 T	APRIL (32.69%) 4 Wks/17 T	MAY (42.31%) 5 Wks/22 T	JUNE (50%) 4 Wks/26 T
<b>PJCDA ADMINISTRATIVE BUDGET - 2024</b>											
<b>GENERAL ADMIN. EXPENSES - PAGE 2</b>											
Portabilities/Misc *	\$ 2,100	\$ -	\$ 2,100	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Accountant - Fee Accountant - Polcari	\$ 6,500	\$ -	\$ 6,500	65%	\$ 4,200	\$ 700	\$ -	\$ 2,450	\$ 1,050	\$ -	\$ -
REAC Filing - Estimated	\$ 2,000	\$ -	\$ 2,000	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
S8 Inspector	\$ 12,000	\$ -	\$ 12,000	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Attorney - Witherow	\$ 8,000	\$ -	\$ 8,000	50%	\$ 4,000	\$ 2,000	\$ -	\$ -	\$ 2,000	\$ -	\$ -
Sub-Contract Bookkeeping - Tobey	\$ 15,120	\$ -	\$ 15,120	45%	\$ 6,765	\$ 1,488	\$ 1,418	\$ 1,389	\$ 1,138	\$ 1,334	\$ -
Legal	\$ 250	\$ -	\$ 250	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Telephone - City Charges	\$ 924	\$ -	\$ 924	39%	\$ 358	\$ 72	\$ 72	\$ 72	\$ 72	\$ 72	\$ -
Fax Line - Frontier	\$ 924	\$ -	\$ 924	41%	\$ 376	\$ 75	\$ 75	\$ 75	\$ 77	\$ 74	\$ -
Spectrum/TWC/Charter Communications - Internet	\$ 1,794	\$ -	\$ 1,794	36%	\$ 650	\$ 130	\$ 130	\$ 130	\$ 130	\$ 130	\$ -
Postage	\$ 2,700	\$ -	\$ 2,700	51%	\$ 1,375	\$ 397	\$ 68	\$ 611	\$ -	\$ 300	\$ -
Postage Machine (2024 - 1st of 3 yr contract) + one cartridge @ \$93)	\$ 888	\$ -	\$ 888	70%	\$ 617	\$ 617	\$ -	\$ -	\$ -	\$ -	\$ -
Office Supplies	\$ 8,100	\$ 1,665	\$ 9,765	9%	\$ 833	\$ -	\$ 427	\$ -	\$ 405	\$ -	\$ -
Computer Updates/Support/Programs (2024 Total \$21,735 (Happy 5-Yr Contract Term. 2/2026 - 2024 payment \$14,5134.56 + Utility Charts of \$450, MS Office - \$250, Drop Box \$120) New users - TBD/Programs	\$ 21,735	\$ -	\$ 21,735	67%	\$ 14,513	\$ 14,513	\$ -	\$ -	\$ -	\$ -	\$ -
Technology - Spinnertech/Hardware/Software (S8 50/50 SC)	\$ 5,000	\$ (386)	\$ 4,614	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Website/Social Media	\$ 7,500	\$ -	\$ 7,500	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Equipment Maintenance/Leases/Rental (Copier)	\$ 600	\$ -	\$ 600	38%	\$ 227	\$ 46	\$ 45	\$ 46	\$ 46	\$ 46	\$ -
Printing/Reproduction	\$ 300	\$ -	\$ 300	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Shredding Co.	\$ 1,050	\$ -	\$ 1,050	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Advertising	\$ 1,250	\$ 117	\$ 1,367	4%	\$ 58	\$ -	\$ -	\$ -	\$ -	\$ 58	\$ -
Dues & Subscriptions (Cit Foundation/RECAP/COCH Jan.)(REV,ZOOM)(Equifax)	\$ 1,500	\$ -	\$ 1,500	5%	\$ 75	\$ 15	\$ 15	\$ 15	\$ 15	\$ 15	\$ -
CDA Training/Travel	\$ 4,500	\$ 94	\$ 4,594	1%	\$ 47	\$ -	\$ 47	\$ -	\$ -	\$ -	\$ -
SC Event/Training/Travel	\$ 3,000	\$ -	\$ 3,000	12%	\$ 361	\$ 40	\$ -	\$ 138	\$ 184	\$ -	\$ -
Bank Fee	\$ 100	\$ -	\$ 100	0%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Sub-Total General Expenses:</b>	<b>\$ 107,835</b>	<b>\$ 1,490</b>	<b>\$ 109,325</b>	<b>31.52%</b>	<b>\$ 34,456</b>	<b>\$ 20,092</b>	<b>\$ 2,297</b>	<b>\$ 4,924</b>	<b>\$ 5,115</b>	<b>\$ 2,028</b>	<b>\$ -</b>
<b>TOTAL BUDGET</b>	<b>\$ 352,792</b>	<b>\$ 1,876</b>	<b>\$ 354,668</b>	<b>37.45%</b>	<b>\$ 132,811</b>	<b>\$ 37,619</b>	<b>\$ 20,641</b>	<b>\$ 26,970</b>	<b>\$ 23,237</b>	<b>\$ 24,345</b>	<b>\$ -</b>

**Port Jervis Community Development Agency  
Section 8 Housing Assistance Program  
P.O. Box 1002  
134 Pike Street, 2<sup>nd</sup> Floor  
Port Jervis, New York 12771  
845 858-4024 - Fax 845 858-4027**

**EMAIL:** [Director@picda.org](mailto:Director@picda.org)

Alternate email address: [Support@picda.org](mailto:Support@picda.org)

**To:** Valerie Maginsky, Director  
**From:** J. Bennett, S8 Caseworker  
**Date:** June 20, 2024  
**Subject:** PRICE QUOTATION FOR SECURE DOCUMENT PURGING

As you are aware, we require the purging of outdated Agency documents, and obtaining the retrieval of office generated documents that require destruction on an "as needed" basis pursuant to Federal, State, and local mandates. Specifically, we are seeking:

1. Pricing for the purging of 15 Banker boxes, and
2. Pricing to keep a 95/96-gallon secured receptacle on site with periodic pick up.

I was able to solicit quotes from two vendors: New York State Industries for the Disabled (NYSID), and Iron Mountain Government Solutions. Both vendors are Preferred Sources listed on the NYS Office of General Service Contracts and provide services and pricing for State and local governments.

Both vendors provided a quote for services and both vendors had required minimum pricing. Both vendors will provide a Certificate of Secured Document Destruction for each service incident.

**For the service of destruction of the 15 Banker boxes, the total cost from each vendor is:**

Iron Mountain \$201.77  
NYSID \$114.11

**For the periodic destruction of the contents of a 95/96-gallon receptacle pick up cycle:**

Iron Mountain \$176.33 per month or \$2,115.96 annually (monthly flat fee with or without pick up every 4 weeks/approx. monthly).  
NYSID \$114.11 per pick up (for full receptacle) or \$1,369.32 if picked up monthly.

**Projected cost for 2024 July-December annualized for comparison purposes:**

Iron Mountain \$201.77 (Banker boxes) + \$1,057.98 (monthly contract fees 6 mo. pick up) = **\$1,259.75 total**  
NYSID \$114.11 (Banker boxes) + (6 months @\$114.11 per mo. Monthly pick up) = **\$798.77 total**

**Projected cost for 2025 (does not include any destruction of Banker boxes) annualized for comparison purposes:**

Iron Mountain \$176.33 x 12 monthly contract fees = **\$2,115.96 total**  
NYSID \$114.11 x 12 (monthly receptacle pick up) = **\$1369.32 total**

**Miscellaneous notes**

- Iron Mountain's pricing decreases when the frequency of pick-up increases (see quotes).
- Attachments from each vendor with pricing.

**\*\* Financially, NYSID is the cost-effective choice.** The ease of calling NYSID on a per diem basis may be less annually, as I do not believe we would fill a 96-gallon receptacle each month requiring pick up.

**\*\* I concur with Ms. Bennett's assessment. If the Board agrees, we will move forward with making arrangements. A total of \$1,050 was allocated in the 2024 budget for shredding and we are coming in month 7 of 12. - VM**



PRICE ESTIMATE FOR: Recurring Shred

DATE: June 19, 2024

Notes / Details

CUSTOMER INFORMATION			This is for a week frequency.  4 wk		
Customer ID:		TBD			
Request Number:		N/A			
Minimum Charge:	Shredding (Offsite)	\$176.33			
PRICING INFORMATION					
BILL CODE	DESCRIPTION	Rate	Unit of Measure	Quantity	Price
SS09	Offsite Scheduled - 95 Gallon	\$15.560	Each	1	\$15.56
SS06	Offsite Scheduled - Off-Cycle Trip Charge	\$55.790	Per Order	1	\$55.79
SS23	Transportation - Zone 4	\$36.320	Per Order	1	\$36.32
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
SS27	Shred Offsite Minimum	\$68.660	Per Order	1	\$68.66
TOTAL PRICE					\$176.33

This price estimate is valid for 30 days and/or until the next effective date on your Schedule A.

Please note, final charges may be affected by the location, quantity, type and size of material, how the material is or will be stored, and labor time to complete. Estimate does not include any applicable taxes, management fees or fuel surcharge. Price estimate based on current customer Contract rates which are subject to change periodically.





PRICE ESTIMATE FOR: Recurring Shred

DATE: June 19, 2024

[Notes / Details](#)

CUSTOMER INFORMATION			This is for a 8 week frequency.		
Customer ID:		TBD			
Request Number:		N/A			
Minimum Charge:	Shredding (Offsite)	\$176.33			
PRICING INFORMATION					
BILL CODE	DESCRIPTION	Rate	Unit of Measure	Quantity	Price
SS09	Offsite Scheduled - 95 Gallon	\$15.560	Each	1	\$15.56
SS06	Offsite Scheduled - Off-Cycle Trip Charge	\$55.790	Per Order	1	\$55.79
SS23	Transportation - Zone 4	\$36.320	Per Order	1	\$36.32
SS30	Shred Surcharge: 8 Week Cycle	\$149.190	Per Order	1	\$149.19
SS27	Shred Offsite Minimum	\$176.330	Per Order	1	\$160.77
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
		\$0.000	Per Order	0	\$0.00
TOTAL PRICE					\$417.63

This price estimate is valid for 30 days and/or until the next effective date on your Schedule A.

Please note, final charges may be affected by the location, quantity, type and size of material, how the material is or will be stored, and labor time to complete. Estimate does not include any applicable taxes, management fees or fuel surcharge. Price estimate based on current customer Contract rates which are subject to change periodically.



**SECTION 8 PROGRAM UPDATE FOR June 2024**

<u>Contracts for JUNE</u>	0
<u>Terminations:</u>	2 pending
<u>Port outs</u>	0
<u>Port In's:</u>	0
<u>Vouchers:</u>	0
<u>TOTAL APPLICANTS ON THE WAITING LIST:</u>	375

**RENT SUBSIDY PAYMENTS AND ADMINISTRATIVE FEES:****PAID OUT FOR MAY 2024:**

HAP Payments:	\$129,794.00
FS-S Escrow Deposited:	\$958.00
FS-S Escrow Deposited-Mainstream	\$48.00
Mainstream HAP	<u>\$37,522.00</u>
<b>GRAND TOTAL FOR PAYABLES</b>	<b>\$168,322.00</b>

**MONIES RECEIVED FROM HUD:**

HCV Housing Monies Received:	\$143,541.00
Mainstream Monies Received:	\$35,041.00
<b>TOTAL</b>	<b>\$178,582.00</b>
HCV Administrative Rec'd:	18,716.00
Mainstream Administrative Rec'd:	\$5667
<b>Total Administrative Monies Rec.:</b>	<b>\$24,383.00</b>
FS-S Families with contracts	9
FS-S Graduates	0

**TOTAL UNITS AVAILABLE TO LEASE:**

- Leased Units in house as of **JUNE** 203
- Leased Mainstream 37
- End of Participations 2
- Zero HAPs-(over- income) 0

**Updates:**

1. The Public Meeting for the Administrative and 5-year Plans was held on Tuesday June 11, from 6 to 7 PM as advertised. There were no participants and no public comment. The Plans require Board approval via resolution before final formatting and transference to HUD.
2. Upon board approval of the May 2024 PJCD minutes, in place of E.D. Maginsky, Chairwoman Trovei as signatory, will become the Senior Administrator. ACH landlord payment arrangements will then continue.
3. A proposal to hire a contract Housing Quality Standards Inspector awaits board review and discussion.



<b>5-Year PHA Plan (for All PHAs)</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires: 03/31/2024</b>
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**Purpose.** 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, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** The **Form HUD-50075-5Y** is to be completed once every 5 PHA fiscal years by all PHAs.

<b>A.</b>	<b>PHA Information.</b>																																
<b>A.1</b>	<p>PHA Name: <u><b>Port Jervis Community Development Agency</b></u> PHA Code: <u><b>NY134</b></u></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u><b>01/2025 through 12/31/2029</b></u></p> <p>The Five-Year Period of the Plan (i.e. 2019-2023): _____</p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> <b>5-Year Plan Submission</b> <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. 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 their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below.)</p> <table border="1"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) 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>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
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		PH	HCV																														
Lead PHA:																																	

<b>B.</b>	<b>Plan Elements.</b> Required for <u>all</u> PHAs completing this form.
<b>B.1</b>	<p><b>Mission.</b> 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.</p> <p>The mission of the Port Jervis Community Development Agency Program (PJCD) Housing Choice Voucher is to develop and administer programs which will promote and expand affordable housing and employment opportunities, improve public facilities, and enhance handicapped accessibility for the principal benefit of very-low, low and moderate-income families through breaking barriers and circumstances of poverty by investing in low-income individuals and families. Through dedicated staff and community partnerships the agency provides services, resources, education, and advocacy to improve the quality of life for all residents of the City of Port Jervis.</p>
<b>B.2</b>	<p><b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, very low-income, and extremely low-income families for the next five years.</p> <ol style="list-style-type: none"> <li>1. Explore, and if obtainable, establish a system and partnerships with Orange County Social Services to house youth aging out of foster care.</li> <li>2. Continue to grow the Family Self-Sufficiency program (FSS) and obtain funding for an FSS coordinator.</li> <li>3. To ensure equal opportunity and affirmatively further fair housing, will undertake affirmative measures to provide and educate landlords and participants alike continuing to serve the needs of our extremely low, very low, and low-income families.</li> <li>4. Research and apply for special funding vouchers as they become available through published NOFO's providing they will most benefit the population we serve.</li> <li>5. Continue to grow partnerships with community resources and the agencies that minister to the homeless, VAWA victims and disabled members of our community</li> </ol>

B.3

**Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

1. **Previous goal - To apply for special funding vouchers, such as Mainstream or Aging Out of Foster Care Vouchers, with the objective to expand assisted housing within the City of Port Jervis.**

**Progress-** In 2020 this agency had obtained 22 Mainstream Vouchers and was then awarded an additional 16 Mainstream vouchers bringing our current allocation to 38. As of May 2024, we are fully allocated. These vouchers have been invaluable in providing housing stabilization to our disabled population.

2. **Previous goal - Increase partnerships with community providers for our special population vouchers such as Mainstream or Aging Out of Foster Care so those families are successfully housed.**

**Progress** - Along with other community relationships, this agency has established an excellent working relationship with two agencies in particular, the Mental Health Association of Orange County and the Warming Station of Port Jervis. These relationships have provided seamless transitions from applicant to participant and has proven invaluable to this population and our community as a whole.

3. **Previous goal -To improve the quality of housing for clients through outreach and education to Port Jervis landlords.**

**Progress-** This agency continues to affirmably foster fair housing through education and outreach. All new landlords receive a packet of information on fair housing. As laws change and expand existing landlords receive that information with their HAP checks, most recent example the Attorney General pamphlet on income discrimination. Leases are scanned to ensure there are no discriminating practices.

**Previous goal- To promote our Family Self-Sufficiency program through outreach and move families to possible Section 8 Homeownership.**

**Progress-** Although approved to administer the Section 8 homeownership program as early as 2017, in 2020 this agency had three FSS participants and no homeowners. This agency is proud to state we currently have nine FSS participants who are working towards their planned goals. We have partnered with PathStone to provide necessary financial counseling and education. We are continuing to grow the FSS program through outreach and education. We have had 4 graduates. One FSS graduate as of October 2022 has become our first Section 8 homeowner as she used her \$21,000 accrued escrow for her down payment. Again, this was made possible by partnership with PathStone who provided counseling and classes and grants through the first-time homebuyer program.

<b>B.4</b>	<p><b>Violence Against Women Act (VAWA) Goals.</b> Provide a statement of the PHA's goals, activities, objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>This agency has adopted a waitlist preference for applicant families that are victims of domestic violence, dating violence, sexual assault, or stalking. Through outreach, community agencies that administer to this population are notified on a continuing basis. This agency has a sound policy in place to ensure this population is protected. This policy that is part of our Administrative Plan is attached for review.</p>
<b>C. Other Document and/or Certification Requirements.</b>	
<b>C.1</b>	<p><b>Significant Amendment or Modification.</b> Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <ol style="list-style-type: none"> <li>1. Section 8 Administrative Plan</li> <li>2. Affirmatively Furthering Fair Housing</li> </ol>
<b>C.2</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) have comments to the 5-Year PHA Plan?</p> <p>Y   N  <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<b>C.3</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD-50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>C.4</b>	<p><b>Required Submission for HUD FO Review.</b></p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y   N  <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, include Challenged Elements.</p>
<b>D. Affirmatively Furthering Fair Housing (AFFH).</b>	

D.1

**Affirmatively Further Fair Housing.** (Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)

Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.

### **Fair Housing Goal: 1**

#### **Describe fair housing strategies and actions to achieve the goal**

##### **Affirmatively Furthering Fair Housing**

All Section 8 applicants at the time of briefing will be provided with the following documents:

- Fair Housing and Equal Opportunity booklet
- Anti-Discrimination form (903)
- Are You A Victim of Housing Discrimination? (Brochure)
- NYS Tenant Rights booklet
- NYS Fair Housing Attorney General Brochure

The PJCDA actively reaches out to local landlords to educate them regarding Fair Housing laws and conducts outreach programs to recruit additional landlords for expanding housing choice to program participants. The PJCDA will encourage landlords to list their properties in areas of low minority and poverty concentration. PJCDA will annually reach out to landlords within the City of Port Jervis for the purposes of educating and affirmatively furthering Fair Housing practices.

### **Fair Housing Goal: 2**

#### **Describe fair housing strategies and actions to achieve the goal**

##### **Assistance to Families Claiming Discrimination**

The PJCDA will provide Federal/State/local information to applicants and participants in the Section 8 HCV Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available at the time of briefing or upon request. The HUD Fair Housing Information and Discrimination Complaint Forms (Form 903) will be made available at the PJCDA office.

In addition, all appropriate written information and advertisements will contain the appropriate Equal Housing Opportunity language and logo.

The PJCDA will assist any participant who believes he/she has suffered illegal discrimination by providing him/her with copies of the housing discrimination form. The

PJCDA staff will also assist the applicant/participant in completing the form, if requested, and will provide him/her with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

The PJCDA will advise families how to file a complaint if they believe they have been discriminated against by an owner. The PJCDA will advise the participant to make a Fair Housing complaint. The PJCDA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing organization.

### **Fair Housing Goal: 3**

#### **Describe fair housing strategies and actions to achieve the goal**

#### **Strict Compliance with all Civil Rights Laws**

It is the policy of the PJCDA to comply with all federal, state and local non-discrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment now in effect and subsequently enacted, including, but not limited to:

- Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, and national origin.
- Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status and spell out forms of prohibited discrimination.
- Executive Order 11063 which prohibits discrimination in federally funded housing.
- Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities.
- Age Discrimination Act of 1975 which prohibits discrimination based on age in programs or activities that receive federal financial assistance.
- Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units).
- Violence Against Women Reauthorization Act 2013 (VAWA) which provides housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.
- Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, also known as the “Equal Access Rule”.
- Any applicable State laws or local ordinances that may apply, including those pertaining to Fair Housing or any legislation protecting the individual rights of residents, applicants, or staff which may be subsequently enacted.

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## Instructions for Preparation of Form HUD-50075-5Y - 5-Year PHA Plan for All PHAs

### A. PHA Information. All PHAs must complete this section. (24 CFR § 903.4)

- A.1** Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **Five-Year Period** that the Plan covers, i.e. 2019-2023, **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

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

### B. Plan Elements.

- B.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. (24 CFR § 903.6(a)(1))
- B.2 Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. (24 CFR § 903.6(b)(1))
- B.3 Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5- Year Plan. (24 CFR § 903.6(b)(2))
- B.4 Violence Against Women Act (VAWA) Goals.** Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. (24 CFR § 903.6(a)(3)).

### C. Other Document and/or Certification Requirements.

- C.1 Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH-2012-32, REV 2.

#### C.2 Resident Advisory Board (RAB) comments.

- (a) Did the public or RAB have comments?
- (b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. (24 CFR § 903.17(b), 24 CFR § 903.19)

#### C.3 Certification by State or Local Officials.

[Form HUD-50077-SL](#), *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan.

#### C.4 Required Submission for HUD FO Review.

Challenged Elements.

- (a) Did the public challenge any elements of the Plan?
- (b) If yes, include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

### D. Affirmatively Furthering Fair Housing.

(Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)

**D.1 Affirmatively Furthering Fair Housing.** The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) .... Strategies and actions must affirmatively further fair housing ...." Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D.; nevertheless, the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works 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. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

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 the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average 1.64 hours per year per response or 8.2 hours per response every five years, 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.

**Note: Black is current, Red is new, strikethrough is deletion**

***PORT JERVIS COMMUNITY DEVELOPMENT AGENCY  
Section 8 Housing Choice Voucher Program***

**Administrative Plan**

***I. STATEMENT OF OVERALL APPROACH AND STRATEGY***

Since 1979, the Port Jervis Community Development Agency (PJCD) has been serving as the local administrator of the City of Port Jervis Section 8 Housing Programs. The PJCD is a Public Housing Authority (HUD PHA NY-134) which was established to provide decent and safe rental housing for eligible income families. Since July 1, 2003, the PJCD has administered the City's Section 8 Housing Choice Voucher by providing rental assistance to extra low income (less than 50% of the Orange County, NY Area Median Income) families residing in the Port Jervis community. Currently, the PJCD is assisting approximately 196 extra or very low income families under Section 8 leases.

As important components of its Section 8 Program, the PJCD administers two special programs; the Family Self-Sufficiency (FSS) Program and the Section 8 Homeownership program. The FSS program links the rent subsidies of extra low income (ELI) families with supportive services including job training, education, family/career counseling, child care, transportation and affordable access to health care services. The goals of the FSS Program is to empower families to achieve family stability and financial independence through housing assistance, as combined with support services.

The Section 8 Homeownership program allows families to convert their rental voucher to mortgage assistance. The administrative rules governing this program are contained in Section III-B.

Through this Administrative Plan, the PJCD seeks to ensure that ELI families will be financially able to move into or continue to live in decent, safe and sanitary housing with the assistance of the Section 8 Program. Moreover, the objective of assuring adequate housing conditions for families receiving Section 8 assistance addresses the needs of residents of the entire City by:

- increasing the supply of decent housing for very low income (VLI) (50% HUD established of median income) and extra low income families (ELI) (30% of HUD established median income);
- providing rent subsidies for families meeting these guidelines who may not otherwise be able to obtain safe affordable housing;
- assuring the de-concentration of housing for persons of Low (LI) and extra low incomes (ELI);
- expanding housing choice among VLI tenant families, homeowners and first-time homebuyers and offering Section 8 participants the Section 8 homeownership program;

- promoting Fair Housing practices for the benefit of all citizens, with priority afforded to LMI and minority families who are the most likely citizens to experience exclusion
- from the private housing market. Through multiple advertising outlets, the PJCDA continues to reach out to those families who would be the least likely to apply for housing assistance.

## **II. ADMINISTRATION OF PROGRAM FUNCTIONS**

Section 8 Program functions performed by the PJCDA are designed to:

- A. provide outreach to families and property owners/managers;
- B. determine eligibility, select families, provide assistance to families with special needs and conduct rulings for denying program admissions;
- C. verify income, assets, family composition, allowances, and other pertinent data to determine an applicant's total tenant payment (TTP);
- D. brief approved applicants on their rights and responsibilities as program participants and issue Section 8 Housing Choice Vouchers;
- E. determine the quality of housing selected by program participants;
- F. establish and maintain policies regarding Section 8 assistance;
- G. establish procedures and policies for disapproval of owner participants;
- H. prepare and issue HUD Lease Addendums and Housing Voucher Contracts on behalf of participant families;
- I. process rent subsidy payments to owners of assisted units;
- J. follow a program of annual and interim evaluations and provide ongoing assistance to participant households regarding housing, educational, social, health and economic issues and make referrals to other social service agencies, as appropriate;
- K. review and approve annual rent adjustments based on tests of rent reasonableness;
- L. monitor the PHA's Housing Voucher Payment Standards to ensure they are at appropriate levels for participant families;
- M. terminate ineligible households that do not meet eligibility criteria for continued program participation and/or due to non-compliance of HUD program regulations;
- N. establish reimbursement policies for overpayments made by the PJCDA on behalf of participant families;

- O. render assistance to families relocating to other housing units within the City of Port Jervis and outside the City to other PHA jurisdictions in accordance with the provisions of portability;
- P. receive and act on complaints and appeals from participant households;
- Q. monitor and assess program performance;
- R. ensure compliance with Fair Housing and equal opportunity laws and provisions;
- S. achieve outstanding housing performance and goals

- **OUTREACH TO FAMILIES & PROPERTY OWNERS/MANAGERS**

- A. Outreach to Extra Low Income (ELI) and Very Low (VLI) and Families**

An Application Form, Tenant Briefing packet and a PowerPoint presentation has been prepared to aid in the outreach to income eligible families needing housing assistance and to brief families on the rules and regulations of program application, eligibility and participation.

The application form is used to collect the necessary data pertaining to income, assets, family composition, and allowances and deductions for determining eligibility. Along with the application and in accordance with HUD regulation's, the PJCDA will also require a completed HUD Supplemental Form 92006. The application form also contains other data that will determine a family's need for special assistance.

In accordance with HUD regulations, the PJCDA will give priority to families and persons with total household incomes that are at or below 30% of Area Median Income. Furthermore, the PJCDA will conduct special outreach and direct contacts to achieve a minimum 75% applicant pool of families having the greatest financial need, e.g., less than 30% of Orange County Median Income.

As an active, dues paying member of the Orange County Housing Consortium, the PJCDA maintains a network of some 51 social service agencies and housing providers. Through this network, the PJCDA increases public awareness of the Section 8 Program and provides an ongoing referral system that continually attracts the public's attention to the benefits of Section 8 housing assistance.

The number and nature of the applications received are monitored to ensure all VLI families are provided the opportunity to apply and a reasonable waiting list is maintained. The PJCDA will open and close the waitlist according to HUD guidelines and approval. The PJCDA staff members assist Section 8 applicants and participant families with finding and securing safe, decent and affordable housing, negotiating fair and reasonable rents, ensuring the removal of impediments for the benefit of handicapped/disabled renters and counseling families regarding their rights and responsibilities under Federal Fair Housing Law.

## **B. Outreach to Residents Least Likely to Apply**

The PJCDA is committed to reaching the groups, families or individuals least likely to apply for housing assistance in Port Jervis. The PJCDA will conduct outreach such as contacts with housing and social service agencies, local church groups and other community-based organizations to broaden the PJCDA's outreach network, increase awareness among the City's disenfranchised population and encourage those that are income eligible to apply. In aiding non-English speaking members of the community, the PJCDA will have a translator to assist when needed.

## **C. Outreach to the Persons with Disabilities**

An important element of the PJCDA's outreach program is the promotion of housing choice for Section 8-assisted families with disabilities. Special efforts are made to assist disabled/handicapped families and persons in securing housing that is free of architectural barriers including units that are equipped with:

- Ramps, safety bars, ADA-compliant doors, kitchen and bath facilities
- Special devices for the hearing and/or sight impaired; and
- Safety mechanisms, e.g. intercom system, pull cords and other devices to aid frail elderly and wheelchair-dependent persons in the event of an emergency

The PJCDA will link disabled/handicapped families with units that are specially equipped to their needs through contacts with area property owners, managers, and community-based organizations that may be aware of the availability of special housing to accommodate disabled/handicapped persons and families. The PJCDA will also endeavor to place hearing and sight-impaired persons in units containing smoke-detector alarm devices which can alert these families for quick response of ingress and egress in the instances of a fire emergency. If needed, the PJCDA will secure services for hearing-impaired applicants at no cost to them.

The PJCDA's outreach program is adjusted, when necessary, to ensure a consistent flow of applications and to maintain a sufficient and adequate waitlist.

## **D. Outreach to Property Owners & Local Realtors**

The PJCDA also maintains a network of investor owners and real estate brokers who list their rental units for occupancy to income eligible tenant family participants of the City's Section 8 Program. Section 8 staff maintains close communications with area property owners/managers and realtors to draw their attention to the Section 8 Program and solicit their participation. These contacts are made to inform owners and realtors on the:

- functions of the Section 8 Program;
- benefits provided to owner participants;
- benefits and services provided to ELI families and;
- rights and responsibilities of owners as program participants.

Special efforts are also made to contact owners/managers and listing real estate agents of rental properties located outside the areas of low-income concentration to allow for economic integration of the Section 8 Program.

Owners are advised that screening and selection of Section 8 tenants is the responsibility of the owner and the PJCDA cannot offer assistance regarding the suitability of Section 8 families as prospective tenants. However, owners may request from the PJCDA the family's current address and documented information pertaining to prior landlords and past tenancies under the Section 8 Program and this information will be furnished to prospective owner participants, upon request. Furthermore, families will be advised of the PJCDA PJCDaring this information with prospective owner participants.

Additionally, investors owners and rental property managers are encouraged to participate in all programs of the PJCDA including: (a) Section 8; (b) Small Cities CDBG; (c) HOME; and (d) Rural Development 504.

### **Confidentiality and Privacy Policy**

HUD Form 9886A

It is the policy of PJCDA to guard the privacy of applicants and families and ensure the protection of records in accordance with the Privacy Act of 1974. PJCDA will not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law. This privacy policy does not limit PJCDA's ability to collect such information as it may need to determine eligibility, compute housing assistance, and does not prohibit the PJCDA from disclosing information to local law enforcement if the family is suspected of being involved in criminal or legal activity.

All applicant and family information will be kept in a secure location and access will be limited to authorized PJCDA staff. PJCDA staff will not discuss personal family information unless there is a business reason to do so.

### **Record Retention Policy**

PJCDA will keep all documents related to a family's eligibility, tenancy, and termination in accordance with HUD, State of New York and the City of Port Jervis requirements.

### **Nondiscrimination Policy**

Fair Housing Act (42 U.S.C); Section 504 of the Rehabilitation Act of 1973; Joint Statement of HUD and DOJ and 24 CFR 982.54(d) (6)); 982.301(b) (10); 982.304

PJCDA will not discriminate because of race, color, sex (includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, as well as gender identity and gender expression), religion, marital or familial status, age, disability, medical condition, national origin, ancestry, source of income, and sexual orientation.

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

PJCDA provides information regarding Fair Housing and non-discrimination in housing in outreach materials, posters at its office, in the family briefing session and program packets, and owner meetings. When needed, PJCDA will also assist with how to fill out and file a housing discrimination complaint.

### **Complying with Civil Rights Laws**

It is the policy of the PJCDA to comply with all federal, state and local non-discrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment now in effect and subsequently enacted, including, but not limited to:

- **Title VI of the Civil Rights Act of 1964**, which forbids discrimination on the basis of race, color, religion, and national origin.
- **Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988)**, which extends protection against discrimination based on disability and familial status and spell out forms of prohibited discrimination.
- **Executive Order 11063** which prohibits discrimination in federally funded housing.
- **Section 504 of the Rehabilitation Act of 1973**, which describes specific housing rights of persons with disabilities.
- **Age Discrimination Act of 1975** which prohibits discrimination based on age in programs or activities that receive federal financial assistance.
- **Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units)**
- **Violence Against Women Reauthorization Act 2013 (VAWA)** which provides housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.
- **Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, also known as the “Equal Access Rule”**.
- Any applicable State laws or local ordinances that may apply, including those pertaining to Fair Housing or any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted.

### **E. Affirmatively Furthering Fair Housing**

All Section 8 applicants at the time of briefing will be provided with the following documents:

- Fair Housing and Equal Opportunity booklet
- Anti-Discrimination form (903)
- Are You A Victim of Housing Discrimination? (Brochure)
- NYS Tenant Rights booklet
- NYS Fair Housing Attorney General Brochure

The PJCDA actively reaches out to local landlords to educate them regarding Fair Housing laws and conducts outreach programs to recruit additional landlords for expanding housing choice to program participants. The PJCDA will encourage landlords to list their properties in areas of low minority and poverty concentration. PJCDA will annually reach out to landlords within the City of Port Jervis for the purposes of educating and affirmatively furthering Fair Housing practices.

### **F. Assistance to Families Claiming Discrimination**

The PJCDA will provide Federal/State/local information to applicants for and participants in the Section 8 HCV Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available at the time of briefing or upon request. The HUD Fair Housing Information and Discrimination Complaint Forms (Form 903) will be made available at the PJCDA office.

In addition, all appropriate written information and advertisements will contain the appropriate Equal Housing Opportunity language and logo.

The PJCDA will assist any participant who believes he/she has suffered illegal discrimination by providing him/her with copies of the housing discrimination form. The PJCDA staff will also assist the applicant/participant in completing the form, if requested, and will provide him/her with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

The PJCDA will advise families how to file a complaint if they believe they have been discriminated against by an owner. The PJCDA will advise the participant to make a Fair Housing complaint. The PJCDA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing organization.

### **Violence against Women Reauthorization Act Policy (VAWA)**

Violence Against Women Reauthorization Act 2005; 24 CFR 5.2005 (b), (d), (e); 24 CFR 5.2003; 24 CFR 5.2009; 24 CFR 5.2007 (a)(1)(v); Federal Register / Vol. 81, No. 221  
PJCDAs will not discriminate against an applicant or family on the basis of the rights or privileges provided under the VAWA. This policy is gender-neutral, and its protections are available to persons who are victims (including affiliated individuals) of domestic violence, dating violence, sexual assault or stalking.

The PJCDA will not deny admission to the housing choice voucher program to any person because that person is or has been a victim or affiliated individual of domestic violence, dating violence, sexual assault or stalking, provided that such person is otherwise qualified for such admission. In addition to prohibiting a denial, termination, or eviction based on the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, PJCDA will not deny admission to an applicant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

### **VAWA - Notification of Rights**

The PJCDA will enclose in each application packet a notice advising applicants of their rights under VAWA. The PJCDA will notify families of their rights under VAWA at admission to the program and with any adverse action notice along with a copy of the form HUD form 5380 (Notice of Occupancy Rights); HUD form 5382 (Certification of VAWA).

### **VAWA - Confidentiality**

All VAWA information provided to the PJCA, including the fact that an individual is a victim or affiliated individual of domestic violence, sexual assault, dating violence, sexual assault or stalking (VAWA violence); will be retained in confidence, and will not be entered into any PJCDAd database or provided to any related entity, except to the extent that disclosure is:

- Requested or consented to by the individual in writing.
- Required for use in an eviction proceeding.



- Otherwise required by applicable law.

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, PJCDA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

### **VAWA - Documentation**

When a participant is facing lease termination because of the actions of a family member, household member, guest, or other person under the participant's control and a participant or immediate family member of the participant's family claims that she or he is the victim or affiliated individual of such actions and that the actions are related to VAWA violence, the PJCDA will request in writing that the individual submit documentation within fourteen (14) business days affirming that claim. The written request will include instructions on where, when, and to whom the documentation must be submitted. It will also state the consequences for failure to submit the documentation by the deadline. PJCDA may choose to extend the 14-day requirement to provide documentation or may choose to waive the requirement based on the circumstances surrounding the claim.

The individual may satisfy this request by providing any one of the following documents as described under 24 CFR 5.2007(b)(1):

Form HUD-5382; or A document:

- Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
- Signed by the applicant or tenant; and
- That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2007; or
- A record of a Federal, State, tribal, territorial or local law enforcement agency (may include a police report), court, or administrative agency; or
- At the discretion of PJCDA, a statement or other evidence provided by the applicant or tenant.

### **VAWA Lease Bifurcation**

The PJCDA may request the owner to bifurcate a family's lease and terminate the tenancy of the culpable family member if the PJCDA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members. In making its decision, the PJCDA will consider all credible evidence, including, but not limited to, a signed certification or other documentation of abuse submitted to the PJCDA by the victim.

If the PJCDA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, policies in this Administrative Plan and the PJCDA VAWA Procedure. If necessary, the PJCDA will also take steps to ensure that the remaining family members have a safe place to live during the termination process. For example, the PJCDA may refer the remaining family members to a victim service provider or other agency with shelter facilities.

### **Limitation on VAWA Protection**

VAWA does not limit PJCDA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, or stalking providing that PJCDA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.

VAWA does not limit PJCDA's authority to terminate the tenancy of any participant if PJCDA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that participant's tenancy is not terminated.

In determining whether a participant who is a victim of domestic violence, dating violence, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, PJCDA will consider the following, and any other relevant, factors

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, or stalking
- Whether the threat is a physical danger beyond a speculative threat, whether the threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the participant wishes to contest PJCDA's determination that he or she is an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing or in a court proceeding.

### **G. Preferences**

All applicants who are currently residing **or working** in the jurisdiction of the PJCDA will receive a local preference for waitlist selection provided they can prove their residency by utility bill, school records, a copy of a lease, pay stub or bank statement or any other acceptable proof at PJCDA's discretion **(100 points)**.

The PJCDA will provide a waitlist preference for non-elderly persons with disabilities transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of being homeless**(1000 points)**.

The PJCDA offers a preference to all applicants who have been a victim of domestic violence within 90 days of occurrence**(100 points)**. .

The PJCDA offers a preference to all applicants that are currently homeless **(90 points)**.

### **H. Opening the Waiting List**

When the PJCDA determines that there are an insufficient number of applicants on its waiting list, the PJCDA will advertise through public notice, the City website and any available minority media within PJCDA's jurisdiction. The public notice will provide information on income and other general eligibility requirements; and contain the following:

- The dates, time, location, and other relevant contact information regarding where families may apply
- The specified period (if any) for which applications will be received by the PJCDA and a brief description of the program
- A statement that individuals with disabilities are eligible for the program and that reasonable accommodations will be made where necessary to ensure equal participation in housing assistance
- A statement affirming compliance with equal housing opportunity requirements and federal Equal Housing Opportunity Logo

In conjunction with opening the waiting list, the PJCDA is required to prepare an Affirmative Fair Housing Marketing Plan which addresses:

- Conducting outreach to advocacy groups (i.e., disability rights groups) on the availability of housing assistance
- Identifying and outreach methods to the population that is least likely to apply, both minority and non-minority groups, through various forms of media (i.e., radio stations, posters, newspapers) within the marketing area and through various community groups

## I. Updating the Waiting List

The PJCDA will update its waiting list annually or biannually to ensure that the pool of applicants reasonably represents families still actively interested in Section 8 HCV assistance. Updating should also enable the PJCDA to update information regarding address, family composition, income category and preferences.

Before removing ~~a non-disabled~~ **an applicant family** from the waiting list due to the applicant's failure to respond to the initial contact letter, a second letter must be mailed to the applicant. If the applicant does not respond to the second notice within ten (10) business days, the name of the applicant will be removed from the waiting list.

Extra effort will be made to contact disabled applicant's families that cannot be reached. If applicants designate contact information on 92006, that person/ organization before they are purged from the waitlist.

Letters must include the name and address of the applicant notified. The PJCDA will advise applicants to provide updated contact information in writing. Applicants will be advised that they will be removed from the waiting list if they cannot be reached at the address provided on the initial application or most recent address change.

Contact letters returned by the Post Office as undeliverable will be grounds for removing an applicant from the waiting list. However, if a letter is returned by the Post Office with a forwarding address, the PJCDA will update the information on the computer and re-mail the letter to the new address.

## 10. Removal from Waitlist

The PJCDA will remove an applicant's name from the waiting list under the following conditions:

- The applicant requests, in writing, that his/her name be removed
- The applicant fails to respond to a written request for information within a specified timeframe
- Correspondence is returned by the Post Office as undeliverable
- The applicant misses a scheduled appointment/briefing without contacting this Agency
- The applicant does not meet either program eligibility or screening criteria

When an extenuating circumstance prevents an applicant from responding to the PJCDA's correspondence which resulted in the applicant being removed from the active waiting list and determined ineligible, reinstatement of the applicant PJCDA will be granted by PJCDA if there is acceptable documentation to show there was an extenuating circumstance such as:

- A death has occurred in the family;
- Hospitalization;
- Illness;
- Incarceration; and
- Other circumstances determined by the PJCDA.

This request must be made within 60 days of removal. Requests that are received after the 60 days period must be denied.

In no event will an applicant's name be held in abeyance on the active waiting list based on his/her representation that he/she is not ready to be processed when reached on the list.

Reinstatement requests based on extenuating circumstances will only be considered within 90 days of the date of the local administrator's correspondence.

Applicants' files must be retained for at least three years after the date an application is closed, withdrawn from the waiting list, or determined ineligible.

## DETERMINE ELIGIBILITY AND SELECT FAMILIES

### 1. Family Income & Eligibility

- Families with net assets over \$100,000 (after adjusted for inflation) would be ineligible from the HCV program. These calculations are subject to due process and the families will have an opportunity to request a review.

- Families would be ineligible for assistance, if they own real property suitable for occupancy by that family and meet certain conditions (have an ownership interest, legal right to reside in, and authority to sell the property)

**Exceptions may apply:**

- a. A family that receives assistance for the property from the Housing Choice
- b. Voucher Program
- c. Property jointly owned with someone else, and occupied by the other owner who is not a member of the household receiving benefits
- d. A Victim of domestic violence, dating violence, sexual assault, or stalking
- e. A family that is offering the property for sale

PJCDA cannot waive the asset requirement but may allow the family up to 6 months after the effective date of the annual or interim recertification to cure the non-compliance. This may allow the family to come into compliance during that time. This waiver applies only to participants and not to the eligibility of new admissions.

As previously noted, applications are used to collect the information necessary to determine a family's eligibility for housing assistance under the Section 8 Housing Program. When the waitlist opens, applications will be made available by the procedure outlined in the public notice. Section 8 staff also reviews the information contained in all applications and make final rulings on income eligibility in accordance with HUD regulations. Applications are then logged according to date and time and are entered into the PJCDA Application/Waitlist Happy Software Program.

All applicants receive written notification of their eligibility. Eligible families are placed on the active waiting list on a first-come, first-serve basis. When selecting from the waitlist, special preference is allotted to persons and families with reported incomes at or below 30% of Orange County Area Median Income (Extra Low Income).

However, as the PJCDA has fifteen non-elderly disabled vouchers, there may be an exception to time and date guideline only when a slot becomes available for that criteria. If an applicant family is deemed ineligible, they are notified in writing. The letter will also contain information on how to request an informal review if they disagree with the PJCDA's decision. If an applicant family submits an incomplete application, or more information is needed, the family will be notified twice in writing before they are removed from the active waitlist.

To ensure applicant information contained in the PJCDA's records is current, applicants are informed to report any changes in address and/or telephone number in writing to safeguard their active status on the waiting list. Families are also briefed to report any changes in income, assets and family composition. Should an applicant family fail to respond within the prescribed time, on the second request, the application will be removed and placed in the PJCDA's inactive files. Once an application is ranked inactive the family loses their original place on the waiting list and must re-apply to the program (and be placed back on the waitlist for housing assistance when the list is open).

All eligible families are contacted, in writing, at the time a Section 8 Housing Choice Voucher becomes available and The PJCDA reaches their name on the active waiting list.

### **Income Targeting Policy**

24 CFR 982.201; Federal Register :: Section 8 Housing Choice Vouchers

The PJCDA will monitor progress in meeting the Extremely Low Income (ELI) requirement throughout the fiscal year. Extremely Low-Income families are defined as families whose incomes do not exceed the higher of: Federal Poverty Level or 30 percent of Area Median Income. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met. If an applicant on the waiting list is skipped over, they will retain their original sequential number placement and be the first applicant offered an opportunity for assistance after the extremely low-income targeting requirement has been met.

~~According to HUD regulation families are selected by the following criteria:~~

- ~~• 75% of applicants selected from the waitlist must have income at or below 30% of the Current Area Median Income (ELI).~~
- ~~• The other 25% must be at or below 50% of the Current Area Median Income (VLI). (removed- redundant)~~

### **Tenant Selection from the Waiting List Notification**

PJCDA will notify the family in writing when it is selected from the waiting list. The notice will include the documents to be completed to determine eligibility for the program. These documents must be completed and submitted by the applicant within the time period specified. Applications will be processed based on the first complete packet received by the PJCDA. If a notification is returned as non-deliverable, or not returned within the specified time, the family will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents PJCDA from making an eligibility determination; therefore, no informal review will be offered.

If the family is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless verification of the following is received within 30 calendar days from the response due date:

- The applicant provides evidence that a change of address / email was submitted to PJCDA
- During the time of any waiting list update or, at the time of notification for an interview, the applicant could not respond. For example, the applicant was incapacitated due to hospitalization or was unavailable due to active participation on Jury Duty
- As a result of a PJCDA data entry error, the applicant address was incorrectly recorded
- The applicant is a person with a disability who requires an alternative form of communication other than one normally used by PJCDA, and the applicant informed PJCDA, in advance, of the proper means of communication, as required by regulations.

- At the time PJCDA conducts an opening of the waiting list to establish a new waiting list, no further requests for re-instatement will be accepted or considered from applicants claiming to have been on any prior waiting list.

### **Eligibility Process**

Applicants selected from the waiting list are required to submit a complete Eligibility Packet and all required documents. The packet must be complete in order for eligibility to be determined. Incomplete packets will not be accepted. The applicant will be given a list of missing documents and the timeframe for submission. Applications are processed based on when the completed package is received by PJCDA.

The applicant must provide the information necessary to establish the family eligibility, including criminal background consent, and to determine the appropriate amount of rent the family will pay. The applicant must also complete required forms, provide required signatures, and submit required documentation. If the documents are not returned complete within the time specified, PJCDA will determine that the applicant is no longer interested in housing assistance and will be removed from the waiting list. Extensions to the timeframe may be allowed based on documented and verified extenuating circumstances (illness, hospitalization, etc.) and reasonable accommodations. The applicant will be given two opportunities to provide the PJCDA with requested documentation (the initial notification letter and one follow up letter). Failure to comply with the PJCDA request will result in withdrawal from the wait list for lack of interest to provide sufficient documentation to determine eligibility. Applicants withdrawn from the wait list for failure to respond will not be afforded the opportunity to request an informal review.

### **Eligibility Notification**

The PJCDA will notify an applicant in writing of their eligibility. If the PJCDA determines that the applicant is ineligible, the PJCDA will send written notification of the ineligibility determination. The notice will specify the reasons for ineligibility and will inform the applicant of its right to request an informal review.

As part of the PJCDA's processes for determining eligibility for participation, the PJCDA will conduct criminal background checks on all adult household members, including live-in aides. These checks will be used to identify circumstances under which assistance must be denied in accordance with the requirements of Section 982.553 of the program regulations.

~~All adult applicant family members will be required to sign a release of information which will authorize the PJCDA to access criminal records. (Removed Redundant)~~

This check may be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. The PJCDA will also check with the state sex offender registration program to determine if an individual is subject to a lifetime registration requirement as a state sex offender.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the PJCDA will provide any factual information, or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.



The PJCDA will not screen family behavior or suitability for tenancy. The PJCDA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

All screening procedures will be administered uniformly, fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected groups.

When determining household type, the following definitions will be applied in accordance with HUD regulations:

- i. **Displaced Persons** are persons who have been displaced due to a government action or where the dwelling unit has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws. This includes fire, flood, other natural disaster and a condemnation/violation order issued by the City Building Department.
- ii. **Remaining Family Member** was determined to be an authorized family member during the tenancy, as follows:
  - an original family member,
  - added through family growth,
  - received the landlord's written permission to permanently reside in the unit.
  - has lived in the unit for at least 12 consecutive months before the event that made them the remaining family member.
- iii. **Live-In Aides** are persons who reside with a disabled and/or handicapped person and meet the following criteria:
  - is determined to be essential to the care and well-being of the person;
  - is not obligated for the person's support;
  - would not be living in the assisted unit except to provide necessary support and care giving services
  - A doctor's note from a qualifying MD is needed for a live-in aid reasonable accommodation
  - pre-existing household member does not qualify as a live-in aide.
- iv. **Zero Income Families-** Families reporting no income are eligible for admittance to the waitlist and zero income participant families are eligible continued assistance. Zero income participant's families may be required to certify quarterly of their continued zero income status and monthly expenses.
- v. **Changes for Participants**

Family members eligible for addition to the household after the initial lease-up:



- Persons added to the participant family by birth or adoption (including minor children born to or adopted to Head of Household (HOH), but not residing in the household at the time of initial lease-up) or by court-awarded custody can be added. The family must notify the PJCDA immediately of the addition to household.
- All other persons, including adult children of the participant, may not be added to the household without prior written approval of the owner, and prior approval of the PJCDA. It is up to discretion of the PJCDA whether or not to add these adults into the household.

#### **vi. Definition of Groups of Persons That May Qualify as a Family**

- i.) A participant with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship. A family may be a “non-traditional family” as defined in New York State law. Typically, a non-traditional family has a “long-term relationship and characterized by emotional and financial commitment and interdependence.”
- G. Children temporarily absent from the home due to placement in foster care are considered participant members.
- H. An unborn child and children in the process of being adopted are considered participant members for purposes of determining bedroom size but are not considered participant members for determining income limit.
- I. In cases where a parent has joint custody where the child/children reside with the parent at least 51% of the time, the PJCDA must consider such child/children in determining the voucher (unit) size for the participant. The 51% custody arrangement must be verified and documented. If both parents are participants in an assisted housing program, only one of the parents is allowed to claim the child/children as a dependent.
- J. Elderly Family - where the head of household, spouse or co-head of household is at least sixty-two (62) years of age.
- K. Disabled Family - Is a family whose head of household, spouse or co-head having a disability as specified by the Social Security definition. Social Security definition of disability - the person must not be able to engage in any substantial gainful activity (SGA) because of a medically-determinable physical or mental impairment(s):
  - That is expected to result in death, or
  - That has lasted or is expected to last for a continuous period of at least 12 months.
- L. Single person, who is not an elderly or displaced person, a person with disabilities or, the remaining member of a tenant family may qualify as a family.

#### **g) Family Guests**

Families are permitted to have a guest or guests in the household. If the guest resides in the unit for more than a total of 30 days (nonconsecutive) **or** 15 consecutive days in a calendar year, the guest(s) will be considered unauthorized

household member(s) and their presence could be grounds for termination of assistance.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 30 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

### **1. Special Admissions - Mainstream Vouchers (MS5)**

PJCDA currently has 38 Mainstream vouchers. Their assistance will be administered similar to the other housing choice vouchers except for the following provisions: MS5 vouchers are targeted only to families with at least one non-elderly disabled household member who must be at least 18 years of age or older and less than 62 years of age on the date of the initial HAP Contract signing and the submission of action type 1 (New Admission) to HUD, and who is:

- Transitioning out of institutional or other segregated settings.
- At serious risk of institutionalization
- Homeless; or at-risk of becoming homeless

All eligible applicants must be drawn from the regular housing choice voucher waiting list. If the PJCDA has a closed list or has exhausted its waiting list of applicants targeted for Mainstream, PJCDA must open the waiting list solely for non-elderly persons with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless, and provide public notice advising the same.

Upon opening or renewing the waiting list of Mainstream eligible applicants, PJCDA must adhere to the policies and procedures including the provision requiring development of a Mainstream-specific Affirmative Fair Housing Marketing Plan and the leveraging of community resources provided through established partnerships with service providers.

Under no circumstances PJCDA provide a Mainstream voucher to an applicant from the waitlist that does not meet Mainstream admission criteria.

This agency's allocation for Mainstream is 38 vouchers. PJCDA has established a waitlist preference for those applicants that meet the following criteria:

- Transitioning out of institutional or other segregated settings; at serious risk of institutionalization.
- currently experiencing homelessness.
- previously experienced homelessness and currently a client in a permanent supportive

### **Mainstream Definitions**

The following program definitions only apply to the Mainstream Program for eligibility determination:

**Eligible household:** A household composed of one or more non-elderly person(s) with disabilities between the ages of 18-61. The household may include additional household members who are non-elderly persons with disabilities.

Non-elderly person: Must be at least 18 years of age or older and less than 62 years of age on the date of the initial HAP Contract signing and the submission of action type 1 (New Admission) to HUD.

Non-elderly person with disabilities (for purposes of determining eligibility):

An eligible non-elderly person who:

- i. Has a disability, as defined in 42 U.S.C. 423
- ii. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - a. Is expected to be of long-continued and indefinite duration
  - b. Substantially impedes his or her ability to live independently, and
  - c. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- iii. Has a developmental disability as defined in 42 U.S.C. 6001.

Institutional or other segregated settings include, but are not limited to:

- (1) congregate settings populated exclusively or primarily with individuals with disabilities
- (2) congregate settings characterized by regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, or limits on individuals' ability to engage freely in community activities and to manage their own activities of daily living; or
- (3) settings that provide for daytime activities primarily with other individuals with disabilities.

At serious risk of institutionalization includes an individual with a disability who as a result of a public entity's failure to provide community services or its cut to such services will likely cause a decline in health, safety, or welfare that would lead to the individual's eventual placement in an institution. This includes individuals experiencing lack of access to supportive services for independent living, long waiting lists for or lack of access to housing combined with community-based services, individuals currently living under poor housing conditions or homeless with barriers to geographic mobility, and/or currently living alone but requiring supportive services for independent living. A person cannot be considered at serious risk of institutionalization unless the person has a disability. An individual may be designated as at serious risk of institutionalization either by a health and human services agency, by a community-based organization, or by self-identification.

Homeless:

- 1. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- a) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus, train station, airport, or camping ground; An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
- b) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution

**2. An individual or family who will imminently lose their primary nighttime residence, provided that:**

- a) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance.
- b) No subsequent residence has been identified; and
- b) The individual or family lacks the resources or support networks, (e.g. Family friends, faith-based, or other social networks), needed to obtain other permanent housing.

**3. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:**

- a. Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)
  - a) Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832),
  - b) section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2),
  - c) section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of
  - d) the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child
  - e) Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento
- b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance
- c. Have experienced persistent instability as measured by two moves or more during the 60- day period immediately preceding the date of applying for homeless assistance
- d. Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

#### **4. Any individual or family who:**

- a. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
- b. Has no other residence; and
- c. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

#### **At risk of becoming homeless: An individual or family who:**

**1. Does not have sufficient resources or support networks**, (e.g., family, friends, faith-based or other social networks), immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (l)(a) of the "Homeless" definition; and

#### **2. Meets one of the following conditions:**

- a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance.
- b. Is living in the home of another because of economic hardship.
- c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance.
- d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals.
- e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau
- f. Is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
- g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

#### **4. *Denials for Program Admission***

If joining an existing household, the PJCDA will deny assistance to a family or family member who has been flagged in the HUD EIV System and who:

- owes monies to the PJCDA due to program fraud and abuse or other violations of the Section 8 Program which has caused an overpayment of the family's Housing Assistance Payment (HAP) by the PJCDA;
- have been evicted from Public Housing or other federal/state assisted housing program;
- fail to sign and submit program participation forms including consent/authorization to release information or other documentation as required to determine a family's eligibility;
- have committed fraud, bribery, drug-related activity or other corrupt criminal act in connection with a federally-assisted housing program;
- Otherwise the PJCDA will deny assistance if a history of criminal activity by any household member involving crimes of physical violence against persons or property, or any other criminal activity, including drug-related criminal activity.  
However, if it has been at least three years since the conviction or service of sentence this criminal history will not be grounds for denial;
- is a welfare-to-work (WTW) family that failed to fulfill its obligations under the welfare- to-work voucher program within the last three years;
- The PJCDA will permanently deny any applicant or adult joining an existing household who is found subject to a lifetime sex offender registration required under a state sex offender registration program;
- The PJCDA will deny program admission to any family that was adversely terminated from any Section 8 program (including PJCDA), if has been less than three years (36 months) since the last housing assistance payment was made on the families' behalf.
- The PJCDA will deny admission when there is a reasonable cause to believe that a member of the Section 8-assisted household has a pattern of substance abuse, e.g. drugs or alcohol, which interferes with the health, safety and/or right to peaceful enjoyment of the premises by other residents living in or near the Section 8-assisted family;
- PJCDA will permanently deny assistance to a family if any member of the family has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally-assisted housing. This is a HUD regulation specifically for Methamphetamine manufacturing.

#### **a) Prohibition of Full-Time Students**

Under HUD rules, a person will not be eligible to separately receive Section 8 assistance who:

- Is enrolled as a student at an institution of higher learning
- Is under the age of 24;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child;
- Is individually ineligible for Section 8 assistance; or
- Has parents who are, individually or jointly, ineligible for assistance.

**b) Additional Family Members**

Circumstances governing denial of assistance to applicants PJCDAll also be applicable to any and all instances wherein a participant family wishes to admit an additional family member who meets any of the above conditions.

**c) Preponderance of Evidence**

If assistance is to be denied as outlined above, the denial will be based upon either of the following:

Preponderance of evidence – defined as:

- Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole, shows that the fact sought to be proved is more probable than not.”
- Credible Evidence – defined as “evidence provided by police and court systems such as drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, warrants issued, arrests made, etc.

Applicant families will be notified of their denial for Section 8 program admission, in writing, stating the reasons for denial and advising of the family’s right to be granted an Informal Review. In all instances of denials for program admission, families are entitled to an Informal Review of the PJCDA finding and must request in writing for a review of the PHA’s determination. Informal Reviews pertinent to Section 8 Program admission denials will conform to the policies and procedures as outlined.

**• VERIFICATION OF INCOME, IDENTITY AND DETERMINATION OF TOTAL TENANT PAYMENT (TTP)**

Tenant families must provide all documentation requested for verification of income, assets and family composition in a timely manner (usually 10 days). Furthermore, any and all information relative to a family's eligibility must be disclosed. Failure to disclose appropriate information and/or providing false information to the PJCDA constitutes program fraud and will cause denial and/or termination of housing assistance.

In accordance with the procedures and priorities as outlined in this plan, eligible families are contacted for enrollment and issued Section 8 Housing Choice Vouchers depending on program availability.

## **1. Required Documentation:**

### **i. Authorizations and releases**

- Privacy Act Notices HUD-9886- A must be signed by all new admissions
- All current participants must sign the new version no later than their next IR or AR whatever comes first.
- Any family member who turns 18 must sign, or any adult being added to the household must sign the form.
- This form is only signed once however the following exceptions apply
  - a) Family is denied assistance
  - b) Family's assistance is terminated
  - c) Family voluntarily exits the program
  - d) Family provides written revocation of consent

Any family or new admission that revokes consent or refuses to sign the form will be terminated.

### **ii. The following is needed to verify identity Social Security number (SSN) and age:**

- i. Social Security - original social security card or original document issued by a federal or state government agency which contains the name, SSN, and other identifying information of the individual.
- ii. Also, acceptable is a self-certification of the SSN number and one third party document including the name of the individual, utility bill, phone bill, benefit letter or verification from an established agency. If this method is used an explanation as to why other documentation could not be obtained must be included in the participant file.
- iii. If the SSN becomes verified through EIV no further action is required.
- iv. If the number fails to verify in EIV, PJCDA must obtain a valid SSN issued by the SSA, or an original document issued by a federal or state governmental agency that contains name and SSN along with other identifying information about them.
- v. If an individual still cannot provide proof of their SSN, participation is terminated.
- vi. Birth certificate, baptismal certificate, military discharge papers, valid passport, census document showing age, naturalization certificate, social security administration benefits form that shows date of birth



**vii. Immigration Status - As per HUD regulations -Section 8 rental assistance for persons who are not U.S. citizens, nationals or possess eligible immigration status must also provide the PJCDA with evidence of required eligible status per the following, this applies to applicant families:**

- Signed declaration of U.S. citizenship (by birth or naturalization); or
- Signed declaration of eligible immigration status.
- For non-citizens, 62 years of age and older, proof of age is also required.

As part of the enrollment process, Section 8 staff request appropriate documentation as verification of family composition, income, assets, and allowances/deductions.

Verifications include:

- i. SAVE System - As required by HUD, all non-U.S. citizen applicants must be verified through the U.S. Department of Homeland Security Systematic Alien Verification for Entitlements (SAVE) system prior to program enrollment.
- ii. Third-party written verification as provided by employers and other agencies, i.e., Department of Social Services, Social Security Administration, etc., as appropriate.
- iii. Other acceptable means of verification include official documents pertaining to income and assets, i.e., bank statements and 1099 forms and paystubs.
- iv. Enterprise Income Verification (EIV) System for verifying employment and social security. This system is accessed through a HUD secured database. However, this system for income and employment verification is unavailable for new admissions. The PJCDA will run EIV reports 90 days after admission for all new admission families.

Information contained in the EIV system may be reviewed with Section 8 tenant families only. At no time will the information be released to any other party.

For families choosing to remain in their current unit while receiving Section 8 assistance, the PJCDA staff also verify the family's residency, current rent and utility costs. Once all verifications have been obtained, the family's Total Tenant Payment (TTP) will be determined and the Section 8 Housing Choice Voucher is readied for issue.

## • **ENROLLMENTS**

### **1. Enrollment Interview Process**

During the enrollment interview, Section 8 staff will brief families on their rights and responsibilities as Section 8 program participants. The enrollment interview is conducted at the offices of the PJCDA. However, home visits are arranged for those families, i.e., frail

elderly, disabled or handicapped, who are unable to attend an on-site interview. All household adults are required to attend the briefing. The family briefing includes the following:

- Income eligibility, eligible allowances and/or deductions and determination of the family's TTP
- Terms and conditions of the HUD Lease Addendum
- HUD Housing Quality Standards (HQS) for assisted units including the regulations governing lead-based paint abatement and asbestos hazards
- Searching for suitable housing, HUD occupancy standards, review of HUD utility allowances and Housing Choice Voucher Payment Standards
- Fair Housing and discrimination and the procedure for filing complaints
- Family moves and the HUD regulations governing portability of Section 8 rental subsidy assistance
- Violence against Woman Act VAWA Protection for Domestic Violence Victims
- Program requirements regarding annual and interim recertifications, initial, annual and complaint HQS inspections, reporting changes in income, assets and household composition to THE PJCDA, and the regulations regarding program termination.

As previously mentioned, when briefing families, a Section 8 Power Point presentation and a briefing packet is distributed to participants along with relevant documents pertaining to tenancy, housing search, rent and utility costs. The packet also includes a briefing on Fair Housing laws and discrimination, utility allowances, terms and conditions of a lease agreement and compliance of HUD housing quality standards (with emphasis on lead-based paint hazards). Information about the Family Self-Sufficiency program, the Section 8 Homeownership program, mold, and choosing a good place to live, are also included in the briefing. Participating families are expected to secure housing on their own. Furthermore, non-English speaking families are also provided assistance to avoid misunderstandings and/or potential discriminatory practices resulting from language barriers.

The process also includes:

### ***Income Verification***

All income and asset information provided by the applicant will be **verified according to the verification hierarchy listed above.** ~~the contact unless two attempts to provide such verification fail. (no longer applicable)~~

### ***Child Support***

Periodic allowances received as child support payments must be included as annual income. However, child support payments that are nonrecurring or sporadic PJCDAll be excluded as income.

### ***Pay Stubs as Verification of Income***

~~Original pay stubs dated within 60 days before admission or annual recertification may be used to verify income from wages. However, there must be at least two to four consecutive pay stubs for the determination of annual income. If one paystub is considerably less, it may be excluded, and this must be documented in the tenant's file.~~  
~~—(removed redundant and no longer applicable)~~

### ***Asset Verification***

~~For new admission tenant's three consecutive bank checking account statements must be averaged. The current balance of savings account will be used. Any interest or dividends must be counted as asset income.~~

~~Existing tenants during the recertification process, they may self-certify their assets by filling out the asset certification, provided their combined assets are less than \$5000.00.~~

~~For Participants and new admissions reporting assets over \$5,000.00 must be verified through third party verification or 3 consecutive bank statements.~~  
~~(removed no longer applicable see above)~~

## ***2. Issuance/Extension of the Section 8 Housing Choice Voucher***

Once the family is admitted to the Program and issued their Section 8 Housing Choice Voucher, they are given a maximum sixty (60) days to select the housing unit they wish to live in while receiving Section 8 assistance. For the purposes of meeting this requirement, the family must produce a ***Request for Tenancy Approval (RTA)***, executed on or before the expiration date, as satisfactory compliance.

Once the executed RTA is presented, the voucher is suspended.

The tenant family may choose to remain in their current rental unit or move to another rental unit. This is acceptable, provided:

- The unit will pass the **NSPIRE** /Housing Quality Inspection
- The landlord agrees to participate in the Section 8 Program and receive housing assistance payments on behalf of the family
- The contract rent is reasonable within agency guidelines
- A property deed of the assisted unit must be presented along with the W9 and Social Security card or TIN paperwork of the owner
- An extension of the family's Housing Choice Voucher may be granted up to a maximum of 60 additional days, at the discretion of the PJCD
- Such, extensions will only be considered where the family demonstrates to the PJCD they have been searching but are experiencing difficulties in their search for housing, i.e., death or illness in the family, hard-to-house families and/or families with disabled/handicapped members. Furthermore, the PJCD could request proof of a family's housing search efforts.
- Requests for extensions of their Housing Choice Voucher must be in writing. The maximum extension cannot exceed 120 days for non-disabled families.

- For disabled families or families with disabled/handicapped members, the PJCDA will allow a maximum of 180 days to secure a suitable housing unit.

Once the family has made their decision regarding the housing unit they wish to live in while receiving Section 8 assistance, the PJCDA will execute a Housing Voucher Contract on the tenant family's behalf, providing the:

- rental unit complies with HUD requirements of housing quality and occupancy standards
- gross rent for the Section 8 assisted unit meets the test of rent reasonableness based on comparable rents for similar units in the private rental market
- the landlord agrees to participate in the Section 8 Program and receive housing assistance payments on behalf of the family
- property deed of the assisted unit is presented along with the W9 and Social Security card or TIN paperwork of the owner

Since the Section 8 Housing Choice Voucher Program does not impose maximum rent guidelines, participating families are briefed regarding the applicable subsidy level (Voucher Payment Standard) the PHA will pay on their behalf. As such, families may choose a housing unit where the gross rent exceeds the Applicable Payment Standard (APS), however, Section 8 staff will counsel participant households on selecting rental units within their affordability range. In accordance with HUD regulations, Housing Choice Voucher families may not select a rental unit where the gross rent will cause the family to pay an amount greater than 40% of their monthly adjusted income and the PJCDA will deny approval of housing units where the gross rent causes the family to pay a tenant rent in excess of 40% of their monthly income.

When computing a family's TTP, the PJCDA will establish a minimum rent of \$50.00.

### **National Standards for the Physical Inspection of Real Estate (NSPIRE) and Inspections and Rent Reasonableness**

PJCDA performs four types of inspections:

- Initial Inspection
- Biennial Inspections
- Special Inspections
- Quality Control Inspections

All units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's housing standards, National Standards for the Physical Inspection of Real Estate (NSPIRE). All units must pass a housing inspection prior to the approval of a lease and at least once every 24 months during the term of the contract, and at other times as needed, to determine that the unit meets inspection standards. If PJCDA can reasonably determine from the result of that inspection that the unit would meet similar standard of housing quality, the PJCDA may rely on an alternative inspection such as

- HOME Investment Partnerships
- Low-Income Housing Tax Credits housing
- Inspections performed by HUD

The applicant is permitted but not required to be present. All utilities must be in service at the initial inspection, or the inspection will fail. For the re-inspection, the utilities must be turned on.

- Each unit must have a working smoke-alarm detecting device on each level and be located inside all sleeping rooms.
- Each unit must contain a working and visible carbon monoxide detector on all floor levels.
- Each unit must have a safe, working heating system and the PJCDA will require heating systems be serviced on an annual basis. Proof of service must be provided to the Section 8 Inspector.
- The unit must have an operating oven, a stove or range, and refrigerator, which may be supplied by the owner or family. If the family is responsible for providing the stove and/or refrigerator, PJCDA will allow the stove and/or refrigerator to be placed in the unit after the passed inspection. The PJCDA will only execute the HAP contract following receipt of a signed certification from the family that the appliances are in the unit and working. PJCDA may conduct a confirmatory inspection to check the appliances.

PJCDA will conduct the initial inspection generally within 15 calendar days after receiving a completed and signed RFTA (Request for Tenancy Approval) from the family and the unit is ready for inspection.

If the unit fails the initial NSPIRE inspection, the owner will be notified of the deficiencies. The owner is required to contact PJCDA within 30 days of the initial inspection to advise the PJCDA repairs have been made. If the unit fails the re-inspection, the family may continue their search for a unit.

### **Biennial Inspections**

An adult family member, or other adult representing the family, must be present at the inspection. If an adult cannot be present on the scheduled date, the family must contact PJCDA to reschedule the inspection. **Inspections may be rescheduled once.**

If the family misses the first scheduled appointment without notifying PJCDA before the inspection, the PJCDA will automatically schedule a second inspection. If the family misses two scheduled inspections without PJCDA approval, the PJCDA will consider the family to have violated its obligation to make the unit available for inspection and could be terminated.

### **Special Inspections**

The PJCDA will conduct a special inspection if the family, or a government official report a condition that is life-threatening. The PJCDA will inspect the housing unit within 24 hours of when the PJCDA received the notification. If the reported condition is not life-threatening, PJCDA will inspect the unit within 15 calendar days of the notification. During a special inspection, PJCDA generally will inspect only those deficiencies that were reported. However, the inspector will record any additional NSPIRE deficiencies that are observed and will require the responsible party to make the necessary repairs. If the biennial inspection has been scheduled or is due within 90 calendar days of the date the special inspection is scheduled the PJCDA may elect to conduct a full inspection.

### **Quality Control Inspections**

PJCDA will conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in

the application of the NSPIRE. An adult family member, or representative, must be present for the inspection.

### **Scheduling Inspections and Family Attendance**

The family must allow the PJCDA to inspect the unit at reasonable times with reasonable notice. The family and owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be not less than 24 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m., Monday through Friday. In the case of a life-threatening emergency, the PJCDA will give as much notice as possible, depending on the nature of the emergency.

### **Missed and Rescheduled Inspections**

An owner is not allowed to cancel an annual, special or quality control inspection. The family may only request to cancel and reschedule the annual inspection for good cause: e.g. unavoidable conflict, which seriously affects the health, safety or welfare of the family. PJCDA may require the family provide documentation in support of the request. The family may only cancel and reschedule the annual inspection and/or any subsequent re-inspections once. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 5 business days.

PJCDA will process termination of family program assistance and inform the owner of contract unit termination when the following occurs:

- The family cancels does not allow entry, or fails to have an adult present on two consecutive scheduled inspections.
- The family cancels or fails to be present at the first scheduled inspection and fails to reschedule the inspection.
- If the family does not allow entry, is not present for the inspection, or fails to have an adult present, the attempted inspection is considered a failed inspection.

### **Emergency Inspections**

If a family or government official reports a condition that is life-threatening, PJCDA will inspect the unit within 24 hours.

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies NSPIRE failures, the PJCDA will determine if the failure is a life-threatening condition.

When life-threatening conditions are identified, the PJCDA will immediately notify both parties by telephone, fax or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of the PJCDA's notice. When failures that are not life-threatening are identified, the PJCDA will send the owner and the family a written notification of the inspection results. The written notice will state that the re-inspection will occur within 30 calendar days, without a PJCDA approved extension. The owner must contact PJCDA when the unit is ready for re-inspection within the 30-calendar daytime requirement. The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life-threatening conditions are not corrected within the specified time frame (or any PJCDA-approved extension), the owner's HAP will be abated in accordance with PJCDA policy.

### **Abatelements**

The PJCDA will make all HAP abatelements effective the first of the month following the expiration of the PJCDA specified correction period (including any extension).

- The PJCDA will inspect abated units within 5 business days of the owner's notification that the work has been completed.
- Payment will resume effective on the day the unit passes inspection.
- The PJCDA may terminate the HAP contract after 60-day abated contract, however the maximum abatement will be 180 calendar days, per HUD regulation. If the owner completes corrections and notifies the PJCDA before the termination date of the HAP contract, the PJCDA may rescind the termination notice if
  - (1) the family still resides in the unit and wishes to remain in the unit and
  - (2) the unit passes NSPIRE inspection.

During any abatement period the family continues to be responsible for its PJCDAre of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction. If the owner is unable to gain access to the unit to make repairs due to the family's lack of cooperation, the owner enforces the lease and advise PJCDA of the lease violation.

In the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any PJCDA-approved extension, if applicable) the family's assistance will be terminated in accordance with PJCDA policy.

### **NSPIRE Certifications**

Notice PIH 2013-17

At PJCDA's sole discretion, PJCDA will either complete a re-inspection or allow the owner and family to submit a Certification of Work Completed Notice for all inspections excluding the initial inspection. If the owner is eligible to submit a Certification of Work Completed Notice, the Certification must be submitted to PJCDA within 28 calendar days of the failed inspection, and may also contain the family's signature, and documentation of the completed work must be attached, i.e. receipts, pictures, etc. Units where verification of repair by self-certification and/or photographs are used, may be subject to additional quality control inspections.

It is the owner's responsibility to obtain the family's signature on the Certification and to submit the form to PJCDA within 28 calendar days of the date of the first inspection. PJCDA may utilize a Certification of Work Completed Notice when the repairs required are minor. The unit is not eligible for a Certification and must be re-inspected in the following circumstances:

- The unit has numerous failed items
- The fail is an emergency, 24-hour repair item
- The failed item(s) are of a serious or suspicious nature
- Initial Inspection

### **24-HOUR FIXES/ Life Threatening Conditions**

The following is a list of items that are considered emergency repairs. These must be completed immediately upon notice of the inspector:



- lack of security for the unit
- waterlogged ceiling in imminent danger of falling
- major plumbing leaks or flooding
- natural gas leak or fumes
- electrical problem which could result in shock or fire
- no heat when outside temperature is below the what the Port Jervis city ordinance dictates
- inoperable smoke detector
- inoperable carbon monoxide detector
- utilities not in service; either electrical or gas
- no hot water
- Any other violation that threatens the families' health and safety

### **Extensions**

PJCDA will not grant extensions for life-threatening conditions. For conditions that are not life-threatening, the PJCDA may grant an exception for correcting the failed item(s), if the PJCDA determines that an extension is appropriate. Extensions will be granted in cases where the PJCDA has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis, but will not exceed 60 calendar days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within a reasonable time, once the weather conditions have subsided.

### **Family Responsibilities**

The family is responsible for correcting inspection failures caused by:

- Family-paid utilities not in service
- Failure to provide or maintain family-supplied appliances
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear.
- Infestation and damage to the unit caused by infestation due to housekeeping.

PJCDA will terminate the family's assistance if the family:

- Fails to correct a violation within the period allowed by the PJCDA (and any extensions);
- Fails to allow the owner entry into the unit to complete repairs.

### **Owner Responsibilities**



The owner is responsible for all NSPIRE violations not listed as a family responsibility above. In order for a unit that has failed two consecutive inspections to be scheduled for a third inspection the owner must provide PJCDA with written certification that all deficiencies have been corrected. Only upon receipt of this certification will additional inspections be scheduled.

### **Lead Safe Homes Rule** **HUD PIH Notice 2017-13**

For Housing Choice Voucher (HCV) units, when a child under 6 is identified with an elevated blood lead level (EBLL), the Owner is responsible for:

- Initial notification of a confirmed case to HUD: If the owner becomes aware of the above, the Owner must notify PJCDA, who will collaborate with notification to the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes of the case – that is, the child's address – within 5 business days.
- Initial notification of the public health department, when necessary: When the Owner is notified of the case by any medical health care professional other than the public health department, the owner will notify PJCDA, who will notify the public health department of the name and address of the child within 5 business days.

### **Verification of the case, -EBLL when necessary:**

When the Owner receives information from a person who is not a medical health care provider that a case of ebll may have occurred, the owner should immediately convey the information to PJCDA so the PJCDA may notify the public health department, if PJCDA has indicated, or indicates at this time, that it wishes to collaborate with the owner on implementation of the rule, as described in PIH Notice 2017-13 and as follows.

- Control of lead-based paint hazards: Completing the reduction of lead-based paint hazards in the index unit and common areas servicing that unit that were identified by the environmental investigation conducted by the PHA within 30 calendar days, using a certified lead-based paint abatement firm or certified lead renovation firm. Work will include occupant protection, and clearance of the unit and common areas servicing that unit by an independent certified risk assessor or a trained dust sampling technician working under the risk assessor in accordance with all NYS lead abatement rules .
- Notification to other residents: As already required by the LSHR, in a multiunit property, the owner must notify all residents of lead evaluation and hazard control activities.
- Ongoing maintenance: Maintaining covered housing without deteriorated paint if there is child under 6 in the family in accordance with all NYS lead abatement rules

### **3. *Housing Voucher Subsidy/Payment Standards***

The family's Section 8 Housing Choice Voucher will indicate the appropriate size rental unit, i.e., number of bedrooms, based on the number of family members in the Section 8 household. This is the size unit the family should be looking for when selecting the housing they wish to live in while receiving Section 8 assistance.

The applicable Housing Voucher Subsidy Standard (maximum rent assistance to be paid on the family's behalf) will be based on the family's appropriate unit size. Families may choose to select a larger rental unit providing the family's tenant rent does not exceed 40% of their monthly adjusted income. However, families will be denied approval of a smaller rental unit if HUD occupancy standards are violated due to overcrowded living conditions.

For families that choose to live in a unit larger than their voucher size the utility allowance for that family will be based on family voucher size and not unit size.

## ~~HOUSING QUALITY & OCCUPANCY STANDARDS~~

### ~~1. Housing Quality Standards (HQS) Inspections~~

~~A HUD Housing Quality Standards (HQS) inspection is then conducted by the Section 8 Housing Inspector to ensure compliance with decent, safe and sanitary standards and HUD occupancy requirements. The Section 8 Inspector also maintains close liaison with the City Building Official regarding local housing code violations, particularly serious deficiencies which pose safety and/or health hazards to the Section 8 family. All Section 8-assisted units must be free of any lead-based paint and asbestos hazards in strict accordance with HUD regulations. Furthermore, all assisted units must comply with New York State Fire Safety Code requirements per the following: (Removed-redundant)~~

- ~~• Each unit must have a working smoke alarm detecting device on each level and be located inside all sleeping rooms.~~
- ~~• Each unit must contain a working and visible carbon monoxide detector on all floor levels.~~
- ~~• Each unit must have a safe, working heating system and the PJCDA will require heating systems be serviced on an annual basis. Proof of service must be provided to the Section 8 Inspector. (Moved under NSPIRE)~~

~~Providing the unit is ready and available for inspection, all initial inspections are conducted in a timely manner to avoid delay in the commencement of housing assistance. Inspections must be performed within fifteen (15) days following the receipt of the *Request for Tenancy Approval (RTA)*.~~

~~Owners and families are notified, in writing, of repairs necessary to comply with HUD HQS. Furthermore, non-emergency repairs must be completed within thirty (30) days of the executed Request for Tenancy Approval, the annual, interim or special HQS inspection. At no time will housing assistance payments be paid for any time period in which the rental unit is not in compliance with HUD Housing Quality Standards (HQS).~~

~~Annual inspections are also conducted (within a year of the last annual inspection) to ensure assisted units remain in compliance with HUD HQS. At the request of an owner participant and/or Section 8 family, interim or special inspections may be requested to identify and remedy HQS deficiencies which occur during the lease period or to cite damages as caused by the tenant family.~~

#### **a.) 24-HOUR FIXES**

The following is a list of items that are considered emergency repairs. These must be completed immediately upon notice of the inspector:

- lack of security for the unit
- waterlogged ceiling in imminent danger of falling
- major plumbing leaks or flooding
- natural gas leak or fumes
- electrical problem which could result in shock or fire
- no heat when outside temperature is below the what the Port Jervis city ordinance dictates
- inoperable smoke detector
- inoperable carbon monoxide detector
- utilities not in service; either electrical or gas
- no hot water
- Any other violation that threatens the families' health and safety (moved under inspire)

## **2. Abatements**

When it has been determined that a unit on the program fails to meet HQS, and the owner is responsible for completing the necessary repair(s) in thirty days, and fails to do so, the assistance payment to the owner will be abated. However, The PJCDA can use its discretion to determine if abatement is necessary. The PJCDA will take into account the seriousness of the deficiency, the effort of the landlord to make repairs and so on. If abatement is necessary:

- A Notice of Abatement will be sent to the owner stating that the abatement will be effective from the day after the date of the failed inspection.
- Once the owner notifies the PJCDA repairs are completed, a re-inspection will take place at the first opportunity following notification.
- If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection. No payments will be made during the Period the unit is out of compliance. The tenant is still responsible for their PJCDAre during the period.  
(Removed redundant)

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## **Rent Reasonableness**

At all times during the assisted tenancy, the rent to Owner may not exceed the reasonable rent determined by PJCDA. Rent reasonableness determinations may be completed by PJCDA at any time and will be completed:

- At initial lease up
- When an owner requests a rent increase
- If the FMR is decreased by 10%
- When directed by HUD

PJCDA will determine and document on a case-by-case basis that the approved rent:

- Is reasonable in comparison to rent for other comparable, unassisted units in the market, and
- Does not exceed rents currently charged by the same owner for an equivalent assisted or unassisted unit in the same building or complex.

### **Methodology**

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable unassisted units in the same market area. Because units may be similar, but not exactly like the unit proposed for HCV assistance, the PJCDA utilizes a simplified rent reasonableness system that compares similar units and includes and considers the HUD factors. Information is gathered on unassisted rental units in the PJCDA market area.

Information sources may include newspapers, Internet, realtors, market surveys, inquiries of owners, owner information listed on the RFTA, and other available sources. The data is maintained by bedroom size and market area. All information is stored in the Happy software database. Three comparisons to like units are needed to determine rent reasonableness.

### **Owner Rent Increases**

After the initial lease period, the owner may request a rent increase according to the terms in the lease. All rent increases must be submitted in writing to PJCDA by the owner, along with a copy of the rent increase notice to the family. The owner must provide 60 calendar days advance notice to the family. If approved, the rent adjustment will be effective the first day of the month on or after the contract anniversary date or 60 calendar days following receipt of the owner request on the first of that month, whichever is later. If the rent is not reasonable and the owner is unwilling to negotiate an approvable rent amount, the family will be issued a voucher to move and the HAP contract will be terminated.

### **Unit Ownership Changes**

When a change in ownership occurs, the new owner legally assumes the current lease and the current HAP contract. At PJCDA's or the new owner's request a new HAP contract may be executed, however the lease terms remain the same and new HAP term matches the existing lease.

PJCDA must receive a written request by the initial owner to change the HAP Contract payee and/or the address to which payment is to be sent. PJDA will process a change of ownership provided the following documents are received from the new owner:

- Proof of ownership, i.e. copy of escrow statement, deed of trust, or other document showing the transfer of title.
- Completed W9 with Social Security or Employee Identification Number
- In cases where the owner has elected to utilize the services of a property management company or has otherwise designated an agent to act on his/her behalf, PJCDA may request a copy of the management or agent agreement, a statement from the owner identifying the individual/s authorized to execute HAP Contracts on his/her behalf in addition to proof of ownership documentation.

- Owners are required to provide a Tax Identification Number (TIN) or a Social Security Number that matches their banking information. PJCDA will not enter into a contract where the owner is unable to establish a TIN/SSN that matches names or entities identified on ownership.
- A written agreement to comply with the terms of the HAP contract.
- A certification that the new owner is not a prohibited relative.

As determined by the number of household members who will occupy the unit, Section 8-assisted units must also meet HUD occupancy standards. As part of their briefing, families will be provided a guideline for minimum and maximum occupancy ranges based on the number of bedroom/sleeping rooms contained in the rental unit. The PJCDA reserves the right to deny approval of a unit due to overcrowded living conditions. The following process and HUD Occupancy Table will be followed:

*HUD OCCUPANCY TABLE*

<i>Bedroom Size</i>	<i>Minimum persons</i>	<i>Maximum Persons</i>	<i>Living room as sleeping room</i>
<i>0</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>1</i>	<i>1</i>	<i>2</i>	<i>4</i>
<i>2</i>	<i>2</i>	<i>4</i>	<i>6</i>
<i>3</i>	<i>4</i>	<i>6</i>	<i>8</i>
<i>4</i>	<i>6</i>	<i>8</i>	<i>10</i>

Section 8-assisted units must also meet HUD occupancy standards, as determined by the number of household members who will occupy the unit. As part of their briefing, families will be provided with the above guidelines. **The basic rule is two people for every bedroom, regardless of sex or age.** The family can determine sleeping arrangements that best meet their needs under this guideline. Living rooms may be used as a bedroom at a household's discretion provided it does not violate local code (must have a smoke detector, a window and a door **and meet NSPIRE space requirements**).

The following occupancy exceptions apply:

- A live-in aide who meets all qualifications in section 11C of this plan, may be assigned a bedroom and added to the lease as a permitted occupant, the aide has no survivorship rights to the subsidy. No space will be provided for a live-in aide's family.
- An exception to subsidy size may be made in the case of a reasonable accommodation for a person with disabilities. This accommodation must be signed by a **licensed professional (medical or therapeutic) and updated annually at recertification.**
- Families already housed under the previous Administrative Plan would not have to change their voucher size, however upon relocation to a different unit or portability the above subsidy standards would apply.

Note: Families can opt to pay more for a bigger unit provided they don't exceed the 40% rule.

Per HUD regulations, families pay 30% of their adjusted income towards their rent, however they cannot pay more than 40% of their adjusted income towards their rent.

### • **SECTION 8-ASSISTED HOUSING TYPES**

The owner cannot be related to the tenant in any capacity by birth or marriage, except in cases of a reasonable accommodation.

The types of housing assisted under the Section 8 program include:

- Single and Two-Three Family homes
- Multi-family apartments (4+ units in a building)
- Garden apartments
- Hi-rise and elevator buildings
- Row-type housing
- Townhouse units
- Condominium units
- **Single Room Occupancies (SRO)**

As previously mentioned, the size of the assisted unit (e.g. number of bedrooms) will coincide with the family's Section 8 Housing Choice Voucher and comply with HUD occupancy standards and Housing Voucher subsidy (payment) standards. In accordance with HUD Regulation 24CFR Part 8 Section D of the Federal Register, the utility allowance will be based on the Voucher size, not the unit size.

- a. Applicable Housing Voucher Payment Standards and HUD utility allowances will be used;
- b. Approved rents will be based on the *pro-rata PJCD*Are of the total gross rent in accordance with the special housing type; and
- c. Approved rents must also meet the test of rent reasonableness.

To qualify for Section 8-assistance, Group Homes must be certified, licensed or similarly approved by the appropriate State agency.

Due to the prohibition of manufactured housing (e.g. mobile homes) in the City of Port Jervis, The PJCDA will not approve this type of housing for Section 8 assistance to comply with City of Port Jervis Housing Codes and Ordinances.

### **1. Prohibition Against Duplicate Subsidies**

Families will be denied participation in the Section 8 Housing Choice Voucher program if they choose to live in a housing unit subsidized under another local, State or Federal program.

Housing units assisted under the Low-Income Housing Tax Credit (LIHTC) program and families receiving a *shelter allowance* payment through the Department of Social Services (e.g. public assistance families and persons) are eligible for Section 8 tenant-based assistance under the Housing Choice Voucher Program.

• **DISAPPROVAL OF OWNER PARTICIPANTS**

In accordance with HUD regulations, the PJCDA will not approve an owner for participation in the Section 8 Program under the following conditions:

1. The unit owner is a relative of the Section 8-assisted family including parents, children, grandparents, grandchildren or siblings or is related by marriage unless the assisted unit is required for reasonable accommodation of a disabled/handicapped member of the Section 8 family;
2. There exists a pending Federal action or other government-instituted administrative or judicial action against the owner for violations connected with Fair Housing and/or Federal Equal Opportunity (FEO) laws, rules and regulations;
3. A court or administrative agency has cited the owner for violation of Fair Housing or other FEO requirements;
4. The owner has been cited for violations under a previous or existing Section 8 Housing Voucher Contract;
5. The owner has committed fraud, bribery or other corrupt/criminal act connected with any federally-assisted housing program;
6. The owner has engaged in the sale, use or possession of illegal substances or has been involved in a drug-related or violent criminal activity;
7. Where the owner has a history or practice of non-compliance with housing quality standards under the Section 8 program or housing standards for project-based assistance under any federally-assisted housing program;
8. The owner has a history or practice of renting units which fail Federal, State or local housing codes;
9. The owner is delinquent on Federal, State or local real property taxes, fines and/or assessments;
10. The owner owes monies to the PHA and fails to enter into agreement for repayment and/or is in default of a repayment agreement;
11. The PJCDA is notified that the owner participant is debarred, suspended or subject to limited denial of participation in accordance with the regulations contained in 24 CFR Part 24;



12. The owner has a history or practice of failing to terminate the tenancy of families assisted under the Section 8 or other federally-assisted housing program for the following activities:

- a. threats or interference with the rights to peaceful enjoyment and comfort by residents of the leased premises or neighbors residing in the immediate vicinity of the Section 8-assisted family
- b. threats to the health, safety and/or welfare of the other residents, employees of the owner or the PJCDA, or other members engaged in the management of the assisted housing
- c. drug-related criminal activity or violent criminal activity

These activities apply to all members of the assisted household, guests or other person(s) under the control of any member of the assisted household.

- **REVIEW OF LEASES, EXECUTION OF HUD LEASE ADDENDUMS AND HOUSING VOUCHER CONTRACTS & RENT REASONABLENESS**

### **1. Leases/Addendums/Contracts**

Once a rental unit has been selected by the family, inspected and approved by the PJCDA, owners must execute their own lease and it must conform to state and local laws. The owner and the PJCDA enter into a Housing Voucher Contract for a term that will run concurrent with the term of the Lease Agreement and its Addendum. The most recent Tenancy Addendum (HUD Form 52641) will be attached to the lease and will govern the tenancy. For new lease agreements and contracts, the PJCDA requires a minimum one (1) year initial lease term. Furthermore, for all lease and contract agreements The PJCDA will require a minimum of the following information:

- Name of the Tenant Family and Owner Participant
- List of all family members
- Address of the Section 8-assisted unit
- Breakdown of utilities and appliances as supplied by the owner and/or tenant-furnished
- Lease term including the initial period and provisions for the lease renewal.

### **~~2. Rent Reasonableness~~**

~~Prior to approving the family's Lease and Contract, the PJCDA will review the rent requested by an owner for fair market comparability and reasonableness based on neighborhood private market rents charged for similar units and previous rents charged by the landlord for the same unit. The PJCDA reserves the right to decline a Lease/Contract where the gross rent does not meet the test of rent reasonableness.~~

~~In performing the rent comparability analysis, the PJCDA will check published listings of available rentals in the community. The PJCDA will also contact local Realtors for updated information on current private market rents and exchange information with other rental~~



~~property managers to determine if the rent charged by the Section 8 owner participant is fair and reasonable. The PJCDA will maintain Comparable Rents through the software data base and when conducting the rent reasonableness test for all initial contract rents as well as rent increases requested for Section 8 assisted units. (updated and redundant-removed)~~

### **3. Security Deposit / Renters Insurance**

#### **Renters Insurance**

Families are strongly advised to retain renters' insurance. The owner may require the tenant to maintain renters' insurance if required for other assisted and non-assisted units. In the absence of proof of coverage, the owners may add such coverage to the rent for the unit. The family is responsible for the amounts required for such insurance coverage, which will not be included in the housing subsidy.

#### ***Security Deposits***

Owner participants are entitled to collect a security deposit from a Section 8-assisted tenant family limited to the amount equal to security deposits collected on behalf of tenants living in unassisted, private market rent units. At all times, Section 8 owner participants must adhere to prevailing market rates when collecting security deposits from Section 8-assisted families. Generally, owners will collect an amount equal to one (1) month's rent. Owners may use the security deposit as reimbursement for damages to the rental unit, unpaid tenant rent, or other amounts owed under the lease in accordance with New York State and local laws. The security deposit may only be used after the tenant family has vacated the unit and cannot be applied towards any amounts owed under the lease during the family's leased tenancy.

In the instances where an owner will retain all or a portion of the family's security deposit, the owner must be in compliance with New York State law.

Should the security deposit be insufficient to cover amounts owed, the owner may seek to collect the remaining balance from the family either through a voluntary agreement with the tenant family or by instituting a court action against the tenant in accordance with State and local laws.

## **• HOUSING ASSISTANCE PAYMENTS**

### **F. HAP Payments**

Section 8 staff is responsible for processing and issuing monthly housing assistance payments to owner participants. In accordance with HUD regulations, Section 8 staff prepare a monthly HAP payment statement which will accompany each check and ensure that all payments are made in an accurate and timely manner. In accordance with the executed Housing Voucher Contract, HAP payments are issued and mailed to owner participants no later than the 5th day of each month.

### **G. 1099 Forms**

The PJCDA maintains HUD-approved audit and control practices regarding the use and disbursement of all Section 8 program funds. At the end of each calendar year, owner participants are issued 1099 forms indicating the total amount of HAP Payments (in excess of \$600.00) issued during the preceding year. These 1099 forms are prepared

and issued in accordance with HUD regulations as part of the PJCDA's accounting and audit procedures. Monthly housing assistance payments to owner participants are computer-generated using the HUD-approved **HAPPY** software system.

## **H. Uncashed HAP Payments**

If a Housing Assistance Payment check remains uncashed or lost due to owner's negligence the PJCDA will pass on the stop payment fee that the bank charges the PJCDA to the landlord. This stop payment fee will be deducted from the check before reissuance.

## **I. Breach of Contract**

If an owner breaches or otherwise violates the terms and conditions of the Housing Voucher Contract, including non-compliance with maintaining the Section 8-assisted unit per HUD housing quality standards, the PJCDA reserves the right to abate and/or terminate housing assistance payments. In such instances, the family cannot be required to pay the HAP to the owner directly. Moreover, should HAP payments be abated for 180 days, the Housing Voucher Contract will automatically be terminated by the PJCDA.

## **• FILE RETENTION**

### **F. Applicant/Tenant Files**

Applicant files must be kept for 3 years after determination/denial.

Termination files are kept for 3 years after the determination per the following schedule:

Participant files are kept for 3 years.

### **G. Permanent File Documents**

Except for the following list of permanent file document which are secured on the left side of the physical file folder and are tracked using the permanent file checklist form, all other documents may be destroyed after the three-year period. The permanent records include:

1. **New 9886-A Privacy Act notice**
2. Birth certificates or other HUD acceptable verification of DOB
3. Social security cards or other HUD acceptable documentation of social security numbers
4. Systematic Alien Verification for Entitlements (SAVE) report- Homeland Security documentation for non-citizens (This report must be retained for 5 years)
5. Initial pre-application
6. Initial income eligibility verification
7. Initial voucher
8. New Admission 50058

9. Initial HAP contract
10. Initial lease and tenancy addendum
11. Initial inspection book
12. Landlord documents – **Deed or Image Mate document from the Orange County website proving ownership** of the assisted unit, W9, request for tenancy approval (RTA) and lead based paint form for assisted unit if applicable.
13. Clearance paperwork - (duplicate subsidy report, former tenant search report and criminal and sex offender case note)
14. HUD Applicant Supplemental form (updated every year)
15. Initial Paperwork such as Declaration of Citizenship, Debts owed and What you should know about EIV (These forms are updated as needed for every household adult).

### **Criminal Records**

Special retention rules pertain to criminal records for both applicants and participants. Criminal records are required to be destroyed once the purpose for which they are obtained has been accomplished.

### **H. Participant Moves**

**A family may request to move to a new unit if:**

- The initial term of the lease has expired, and proper notice has been given to the landlord and to the PJCDA.
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family.
- For non-lease violations only: the owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family. The family must give the PJCDA a copy of any owner eviction notices and eviction for lease violation may result in termination from the program.
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the PJCDA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit.
- The PJCDA has terminated the assisted lease for the family unit because for the owner's breach of the HAP contract.
- The PJCDA determines that the family's current unit does not meet the inspection space standards because of an increase in family size or a change in family composition.
- The family is in good standing with PJCDA.
- The family does not owe PJCDA money.

Families are not permitted to move in the first term of the lease or while in any subsequent lease term unless the owner and family mutually agree to do so. Families will not be permitted to move more than once in a 12-month period unless required to do so by PJCDA to meet NSPIRE or other program objectives, to protect the health or safety, or in the case of an emergency.

Situations such as witness protection program, victim of violent crime, medical necessity, employment necessity, and landlord caused failed inspection, may necessitate a move in the first term of the lease, or in the term of a subsequent lease. The circumstances must be documented in writing and approved by PJCDA. The owner and family must agree in writing to a mutual rescission of the lease in order for PJCDA to approve a move during the lease term. If the owner refuses to a mutual rescission, the family will not be allowed to move unless PJCDA otherwise determines VAWA or other health and safety provisions prevail.

Existing tenants that move to a different unit are subject to the same guidelines for initial participants. Such as household income must be within 60 days, all landlord paperwork must be received, and the unit must pass inspection before housing assistance payments commence

### **Denial of Moves**

Notice PIH 2016-09

PJCDA will deny moves in the following circumstances:

- Applicants who are seeking to move under Portability, who are not income eligible in the receiving PHA's jurisdiction.
- Participant families that have moved out of their assisted unit in violation of the lease. PJCDA will grant an exception to this in situations where the only reason for the violation of the lease was due to circumstances surrounding being a victim or domestic abuse, dating violence or stalking.
- The PJCDA may deny a family permission to move if they are responsible for deficiencies with inspection standards and have not cured the deficiency within the required 30-day period.
- The PJCDA will deny a family permission to move on grounds that the PJCDA does not have sufficient funding for continued assistance for portability moves when the receiving PHA is not absorbing the voucher.
- PJCDA may limit moves at any time due to HUD funding constraints.
- All tenant rent must be paid to date

### **Duplicate Housing Assistance Payments with a Move**

24 CFR 982.311(d)

If a participant family moves from an assisted unit with continued assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy. HAP payments to a former owner beyond the month of the move into a new unit must be recaptured by PJCDA and may not be kept by the former owner.

## **Tenant Rent and Housing Assistance Payment Calculation**

### **Definition of Income**

PJCDA uses HUD's definition of Annual Income. Should this definition be revised, the current HUD definition will be used.

Annual income includes all amounts received from all sources by each member of the family who is 18 years of age or older, the head of household, or spouse of the head of household, in addition to unearned income received by or on behalf of each dependent who is under 18 years of age. Annual income does not include amounts specifically excluded in paragraph (b) of 24 CFR § 5.609

All amounts received by the head of household, co-head, or spouse, including the income of a day laborer, independent contractor, and seasonal worker are included in annual income regardless of age, unless otherwise excluded in paragraph (b) of 24 CFR § 5.609.

Annual income also includes all actual anticipated income from assets even if the asset is excluded from net family assets but the income from the asset is not otherwise excluded. Annual income will include the income from assets, if known, for total family net assets less than \$50,000. Imputed returns on net family assets are included in annual income only when net family assets exceed \$50,000 (a figure that HUD will annually adjusted for inflation) and actual asset income cannot be calculated for all assets.

### **Earned Income**

Link: 24 CFR § 5.100

Earned Income is defined as income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare assistance, Social Security, and other governmental subsidies / benefits), or any cash or in-kind benefits.

### **Unearned Income**

Unearned income means any annual income, as calculated under 24 CFR § 5.609, that is not earned income.

### **Non-recurring Income**

Non-recurring income will not be repeated in the coming year based on information provided by the family. The PJCDA may request, and the family must provide, to review additional bank statements, electronic deposits or other documentation to determine if there is a pattern that would indicate that a source of income is recurring.

### **Regular Contributions and Gifts**

Non-monetary contributions will be valued at the cost of purchasing the items, as determined by the PJCDA. Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment is not considered student financial assistance and is included in annual income.

Income amounts excluded under this category may include, but are not limited to, nonrecurring payments made to the family or to a third party on behalf of the family to assist with utilities, eviction prevention, security deposits to secure housing, payments for

participation in research studies depending on the duration, and general one-time payments received by or on behalf of the family.

### **TANF Income/ Welfare Rent**

#### **Special Rules for As-Paid Welfare Localities [24 CFR 5.609(b)(6)(ii)]**

An as-paid welfare assistance system is used in the PJCDA's jurisdiction. In an as-paid jurisdiction a family receives an amount from a welfare agency specifically for shelter and utilities, and that amount is adjusted based upon the actual amount the family pays for shelter and utilities. The welfare assistance amount specifically designated for rent and utilities is called the "welfare rent." Because an as-paid welfare assistance system is used, a special calculation of public assistance income is required for welfare recipients who receive HCV assistance. To determine annual income for public assistance recipients in as-paid localities, the PHA will include:

- the amount of the family's grant for other than shelter and utilities and
- the maximum amount the welfare department can pay for shelter and utilities for the family's size (i.e., the welfare rent). This may be different from the amount the family is actually receiving.

### **Self-Employment Income**

24 CFR 5.609(b)(2)

Gross income received through self-employment or operation of a business, with the exception of the following which is considered income:

- Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness will not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in IRS regulations; and
- Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

Note: gross income is the total income that a business brings in and is not reflective of the costs of operating a business or of being self-employed.

### **Co-Owned Businesses**

If a business is co-owned with someone outside the family, the participant must document the PJCDAre of the business it owns. If the participant 's PJCDAre of the income is lower than its PJCDAre of ownership, the participant must document the reasons for the difference.

### **Assets**

24 CFR 5.609(b) and (c)

Net family assets are defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of investment, except as excluded

If the Household has net assets valued in excess the maximum amount currently set at \$50,000 (to be adjusted annually by HUD), the annual income will include the greater of the actual income derived from all assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

### **Jointly Owned Assets**

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the PJCDA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, the PJCDA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the PJCDA will prorate the asset evenly among all owners.

### **Disposed Assets**

The PJCDA will include the value of assets disposed of for less than fair market during the past two years. Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the participant may request an interim re-certification to eliminate consideration of the asset(s).

An asset moved to a retirement account held by a member of the family is not considered to be an asset disposed of for less than fair market value. All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order. Families must sign a declaration form at initial certification and each annual re-certification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value.

### **Asset owned by business entity.**

If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets.

### **Necessary and Non-Necessary Personal Property**

Necessary personal property is excluded from net family assets. Non-necessary personal property with a combined value greater than \$50,000, (amount to be adjusted by HUD annually), is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed the annual maximum amount, all non-necessary personal property is excluded from net family assets.

Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home. Necessary personal property also includes items that assist a household member with a disability, including any items related to disability-related needs, or that may be required for a reasonable accommodation for a person with a disability. Necessary personal property does not include bank accounts, other financial investments, or luxury items.



### **Trusts as Net Family Assets**

The value of irrevocable trusts and revocable trusts that are not under the control of the family are both excluded from net family assets.

Revocable trust that is under the control of the family or household (e.g., the grantor is a member of the assisted family or household) is included in net family assets, and, therefore, income earned on the trust is included in the family's income from assets.

PJCDA will calculate imputed income on the revocable trust if net family assets are more than \$50,000, as adjusted by inflation, and actual income from the trust cannot be calculated (e.g., if the trust is comprised of farmland that is not in use)

### **Trust Distributions and Annual Income**

If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family. If the value of the trust is not considered part of the family's net assets, then distributions from the trust are treated as follows:

- All distributions from the trust's principal are excluded from income.
- Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

### **Excluded Assets**

The following are examples of assets excluded under HOTMA. The full list of exclusions is provided in Appendix B, Excluded Assets. If the family owns an excluded asset, its value does not count toward the restriction due to net family assets.

- Necessary items of personal property (such as Medical devices, vehicle for commute)
- Non-necessary items of personal property if the combined total value does not exceed \$50,000 (amount to be adjusted annually)
- Retirement account recognized by IRS
- Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability
- The value of certain education or disability support savings accounts
- Interest in Indian trust land
- Equity in property, including equity in a manufactured home, where the family receives assistance
- Income earned on amounts placed in a family's FSS account
- Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family
- Trust funds that are not revocable by, or under the control of any member of the family or household

### **Lump Sum Payments**

Most lump sum amounts received by a family are not counted as income. However, payments caused by delays in processing periodic payments for unemployment or welfare assistance are included as income. In such cases where lump sum payments are considered income pursuant to 24 CFR 5.609, the PJCDA will follow the following methodology.



### **Prospective Calculation Methodology**

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated as follows:

- The entire lump-sum payment will be added to the annual income at the time of the interim.
- The PJCDA will determine the percent of the year remaining until the next annual recertification as the date of the interim (three months would be 25% of the year).
- At the next annual re-certification, the PJCDA will apply the percentage balance (75% in this example) to the lump-sum and add it to the rest of the annual income.
- The lump-sum will be added the same way for any interims which occur prior to the next annual re-certification.

If amortizing the payment over one year will cause the family to pay more than current HUD percentage of the family's adjusted income (before the lump sum was added) for total participant payment, the PJCDA and family may enter into a repayment agreement for the balance of the amount of the current HUD percentage calculation. The beginning date for this repayment agreement will start as soon as the one year is over

### **Retroactive Calculation Methodology**

- The PJCDA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
- The PJCDA will determine the amount of income for each re-certification period, including the lump sum, and re-calculate the participant rent for each re-certification period to determine the amount due the PJCDA.
- The family has the choice of paying this retroactive amount to the PJCDA in a lump sum. At the PJCDA option, the PJCDA may enter into a repayment agreement with the family
- The amount owed by the family is a collectible debt even if the family becomes unassisted.

### **Attorney Fees**

The family's attorney's fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

## Excluded Income

- Federally mandated income exclusions which may be published by HUD from time to time
  - Imputed income from assets when the family net assets total or are less than the threshold set by HUD annually (2024 that amount equals \$50,000)
  - Gross self-employment income
  - Earned income of children (including foster children) under the age of 18 years
  - Earned income of dependent full-time students in excess of the amount of the deduction for a dependent
  - Income earned by government contributions to, or distributions from, 'baby bond' accounts created, authorized or funded by federal, state or local government.
- 
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the family, who are unable to live alone).
  - Income of foster child or adult
  - ABLE accounts
  - State Payments to Allow Individuals with Disabilities to Live at Home
  - Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses.
  - Income and distributions from any Coverdell educational savings account or any qualified tuition program under IRS sections 529 and 530
  - Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
  - Income of a live-in aide, as defined in 4 CFR §5.403
  - Distribution of a trust's principal
  - Reimbursements for Health and Medical Care Expenses. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.
  - Insurance payments and settlements for personal or property loss including, but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.
  - Income received from any account under an IRS-recognized retirement plan. However, any distribution of periodic payments from these accounts PJCDAll be income at the time they are received by the family.
  - The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
  - Payment related to aide and attendance for veterans under 38 USC 1521
  - Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
  - Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, resulted in a member of the family having a disability.

- Amounts recovered in a civil action or settlement based on malpractice, negligence and other breach of duty claim resulting in a family member becoming disabled.
- Deferred periodic amounts from supplemental security income and Social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs. That includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply

### **Income from Training Programs**

Incremental earnings and benefits from training programs funded by HUD or qualifying federal, state, tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff.

Excluded amounts must be received under employment training programs with clearly defined goals and objectives and only excluded during participation in the program unless the amounts are excluded as Federal Financial Aid (§ 5.609(b)(9)(i)).

#### **6.6.3 Student Financial Assistance (24 CFR 5.609(9)(i), (ii))**

##### **Title IV HEA Assistance**

Any assistance that section 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu), requires to be excluded from a family's income including Bureau of Indian Affairs or Department of Education student assistance programs. These amounts are only excluded up to the cost that covers tuition and other required fees in Section 8 households if the student is the head of household or that person's spouse.

##### **Other Student Financial Assistance**

Student financial assistance, not excluded under the HEA for "actual covered costs" of higher education

paid directly to the student or to the educational institution on the student's behalf.

## **Deductions from Income**

### **Dependent; Full Time Student and Elderly/ Disabled Family Deduction**

#### **Elderly/Disabled Family Deduction**

Effective January 1, 2024, the elderly/disabled family deduction increases from \$400 to \$525 and applies to a family's next interim or annual reexamination, whichever is sooner. HUD will adjust this amount annually.

- Allowable medical expenses: 24 CFR 5.609(b)(6) Un-reimbursed (medical expenses not covered by medical insurance schools [for special education students], or other sources) medical expenses for all family members that exceed 10% of the gross annual income of the family are deducted for elderly and disabled families.
- Families who are already receiving a deduction for expenses that exceed 3% of gross annual income will now receive a deduction for expenses over 5% gross annual income. The percentage will increase by 2.5% annually until reaching the 10% threshold.

<b>Participants</b>	<b>2024 Recertification</b>	<b>2025 Recertification</b>	<b>2026 Recertification</b>
Already receiving a medical expense deduction of 3% of Gross Income	5% Of Gross Income	7.5% Of Gross Income	10% Of Gross Income
Claiming a medical expense deduction at 2024 Recertification or new admission	10% of Gross Income	10% of Gross Income	10% of Gross Income

#### **NOTE**

#### **Earned Income Disregard (EID)**

Effective January 1, 2024, only families currently participating in EID may continue to receive benefits up to 2 years from this date.

#### **Dependent Deductions**

Families will receive a four hundred eighty-dollar deduction (\$480) for each dependent. A Dependent is a member of the family other than the family head or spouse (except foster children and foster adults), who is any of the following: Under 18 years of age; or. A person with a disability; or. A full-time student who is 18 years of age or older. under 18 or full-time student over 18. This \$480 deduction is now subject to change annually in accordance with the HUD supplied inflationary adjustment.

### **Health and Medical Care and Attendant Care/Auxiliary Expense**

The sum of unreimbursed health and medical care and reasonable attendant care and auxiliary expenses that exceed 10 percent of the elderly or disabled family's annual income can be deducted from annual income.

- Health and medical care expenses, as defined in 24 CFR § 5.603, include costs incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Medical insurance premiums continue to be eligible for health and medical care expenses.

### **Disability Assistance Expenses**

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the PJCDA will prorate the cost

and allow only that portion of the expenses attributable to attendant care that enables a family member to work. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

The PJCDA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the PJCDA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the PJCDA will consider, the family's justification for costs that exceed typical costs

### **Both Medical and Disability Expenses**

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the PJCDA will consider them medical expenses unless the expenses are incurred exclusively to enable a person with disabilities to work.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, the PJCDA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the

person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work. When the PJCDA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes.

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost-of-service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

### **Childcare**

Childcare is allowed as a deduction from income for children less than 13 years of age. The family must identify the family member(s) enabled to pursue an eligible activity: seeking work, pursuing an education or being gainfully employed.

### **Allowable Childcare Activities and Expenses**

For school-age children under 13 years of age, costs attributable to public or private school activities during standard school hours are not considered allowable childcare expenses. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

The costs of general housekeeping and personal services are not eligible. Childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible.

### **Seeking Work**

If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the childcare expense being allowed by the PJCDA.

### **Furthering Education**

If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the childcare claimed.

### **Being Gainfully Employed**

If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

When the childcare expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the PJCDA generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

### Permissive Deductions

#### PJCDA has established 2 Discretionary Deductions

1. In cases where an adult family member is required to pay **court ordered** alimony and/or child support, this amount will be excluded and treated as an income deduction. Provided the member can prove regular payments are being made (garnishment, receipts, etc.)
2. PJCDA will exclude earned wage income up to ten thousand dollars (\$10,000) for any adult family member, head, co-head, or spouse who is over 65 (or will turn 65 in the recertification year).

### Income Verification Process- New Verification Hierarchy

Verification Technique	HUD Rank level	HUD Ranking
<u>Enterprise Income Verification (EIV)</u>	6	<u>highest</u>
The Work Number or web-based state benefits system	5	highest
Tenant provided verification or EIV +self -certification	4	high
Written 3 <sup>rd</sup> party form	3	medium
Oral 3 <sup>rd</sup> party verification	2	medium
Self- Certification	1	low

- If there are no changes to family income in the previous twelve (12) months EIV and self-certification can be used.
- If there was an executed IR, in the previous twelve (12) months that income can be used for the recertification provided there are no changes.
- For no reported changes the prior year's income can be used with the following:
  - EIV and self-certification (wages SSI, SSA and unemployment)
  - Year-end statement
  - paycheck with year-end amount
  - tax forms- W2, 1099 1040 etc.
- If there are changes in annual income that have not been processed, current income must be used.

### Prior Year Income

The PJCDA will use the prior year income to determine household annual income at the annual recertification (unless using the streamline income determination for sources of fixed income). HUD defines the prior year income as

the income received during the preceding 12 months, taking into consideration any adjustments due to an interim reexamination.

### **Anticipated Income**

For the purposes of initial eligibility, new admission and interim recertifications, the PJCDA will use current income to anticipate the annual household income. In such cases, the PJCDA will review and analyze current data to anticipate annual income.

Any time current circumstances are not used to project annual income, the decision will be documented in the file. In all such cases the family may present information and documentation to the PJCDA to show why the historic pattern does not represent the family anticipated income

- ***Annual Recertification***

At the time of initial enrollment, Section 8 staff prepares an archive file for each participant family and establishes a chronological system indicating the requirement for a minimum annual recertification of the family's composition, income, assets, and allowable deductions. The PJCDA also maintains a computer database of tenant, owner, unit and project data using the HUD-approved **HAPPY** software. The software program is updated periodically to reflect changes in HUD program regulations.

Annual recertification is used to determine a family's continued eligibility for housing assistance and is based on the tenant family's annual anniversary date of program enrollment. Should a Section 8-assisted family move during the lease term, the new lease/contract date represents the family's new annual recertification date.

Section 8 staff is responsible for familiarizing themselves with all participant households and providing assistance to Section 8 families with housing as well as non-housing issues. Staff will observe and document a family's special needs and make referrals to other appropriate agencies in seeking solutions to social, educational, economic, health and employment related matters.

Participant families will be notified, in writing, 60-90 days prior to their annual anniversary date of the need for an annual recertification. During this process, all family income, assets, composition and allowances/deductions will be reevaluated and updated, as necessary, to determine if any changes should be made to the family's portion of the rent.

An annual HUD housing quality standards inspection of the Section 8-assisted unit will also be performed as part of the annual review process. However, the HQS inspection does not always coincide with the recertification process. As in some cases units passed inspection at a later date from the recertification date, or a special inspection was performed and that became the annual date for inspection.

Section 8 participant families must cooperate fully in the recertification process. This includes timely response to interview letters and scheduling of appointments, full disclosure of all family, income and assets information and cooperation in the annual HUD HQS inspection process.



Additionally, Section 8 owner participants must also cooperate in a timely manner with regards to the annual recertification process. For owners who have executed a year-to-year lease with the Section 8-assisted tenant family, the owner must produce a new lease at least sixty (60) days prior to the family's annual recertification date and indicate any increases in rent at the time the new lease is presented to the PJCDA.

Should a family fail to respond, after two written notices, unduly delay the process and/or refuse to provide all relevant information for continued eligibility, the PJCDA reserves the right to terminate the family's housing assistance, with thirty (30) days advance written notice.

## **I. Interim Recertifications (IR)**

Families no longer need to report changes to family income or composition as they occur but will now have thirty (30) days to report changes. Families that experience an increase in **earned** income after the effective date of their recertification will have until their next recertification before that change is processed.

### **Decrease in Adjusted income**

The PJCDA will conduct an interim change only when the cumulative annual adjusted income decreases more than five percent (5%) The procedure is as follows:

1. PJCDA will process an interim reexamination for all decreases in adjusted Income when the family member had income and permanently moves out of the unit
2. The PJCDA will review and determine whether there have been other changes to family composition, income assets, or allowances since the most recent certification. If the answer is no there is no reason to verify these again – (Tenant fills out the tenant information form- TIF).
3. Obtain third-party verification or safe harbor income other facts reported as changed since the last recertification and maintain documentation in the tenant file Print the HUD Family report (50058) and place in tenant file
4. Calculated decreases will be rounded up to the nearest unit (a calculated decrease of 4.5% to 5%)

### **Increase in Adjusted income**

1. PJCDA will process an interim recertification when the family's annual adjusted income has changed by an amount that would result in an estimated increase of ten percent (10%) or more or other amount established through a HUD notice.
2. PJCDA will not consider earned income when estimating the increase unless the family received an interim reduction during the same reexamination cycle.

3. PJCDA will not conduct an interim reexamination if the family reports an increase within three (3) months of their next annual reexamination.

### **Non-Interim Reexamination**

Changes that must be recorded, but no longer trigger an IR this transaction is used for the following situations.

- Adding or removing a hardship exemption
- Adding or removing a non-family member (live-in aide foster child or adult)
- Adding or removing a family member when an increase in adjusted income does not trigger an IR.
- Adding or updating a family member's SSN or citizenship status.
- where their tenant portion was lower due to the de minimis error.

#### **1. Zero Income Families**

Families reporting zero income must certify quarterly. The purpose of the quarterly certification is to verify the family's expenses, and to have the family provide an explanation of how their expenses are being paid.

Any regular contributions received by the family from outside sources must be considered as household income. In addition, the family must complete the HUD "Zero Income Checklist Worksheet" on a quarterly basis.

#### **2. Temporary Absences from the Section 8-assisted Unit**

The PJCDA will continue uninterrupted housing assistance payments in the instance of a family absence from the Section 8-assisted unit providing the period away from the unit not to exceed 180 consecutive days. Absence means that no adult member of the family has resided in the unit for 30 or more days. The family must request permission in writing for absences that will exceed 30 days. Any family absent for more than 30 days without authorization will be terminated from the program. Authorized absences may include, but are not limited to:

- prolonged hospitalization
- absences beyond the control of the family (e.g., death in the family, other family member illness); or other absences that are deemed necessary by the PJCDA.

In no event is the family permitted to be absent from the unit for more than 180 consecutive days.

#### **Absences Due to Placement in Foster Care**

If a child has been placed in foster care, the PJCDA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency

confirms that the child has been permanently removed from the home, the child will be counted as a family member. If the child(ren) are removed from the home permanently, the unit size will be reduced in accordance with the PJCDA's occupancy guidelines.

### **Individuals Absent (Confined) for Medical Reasons**

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, the PJCDA will request verification from a responsible medical professional if the member will be gone less than 90 consecutive days (and up to 180 days after approval of the PJCDA) and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

### **~~3. Violence Against Women Act (VAWA) and Justice Department Reauthorization Act of 2005~~**

~~(VAWA) protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from HUD Section 8 assistance based on acts of such violence against them. The PJCDA will notify participants of their rights and obligations under VAWA. The PJCDA will provide participants with Form HUD 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* at the time of admission. The PJCDA will also provide form HUD 50066 at the start of any proceeding where domestic violence may be a factor. The Housing Assistance Contract has been updated for the owner's responsibilities under the VAWA act.~~  
(Removed redundant)

### **• RENT ADJUSTMENTS**

The PJCDA and tenant families must be provided a minimum 60-day advance written notice of all rent increases. This also includes Section 8 owners who execute a new lease at the time of recertification. The PJCDA and the tenant family must be provided with the new lease, indicating the new contract rent, no later than sixty (60) days prior to the annual recertification date.

Where possible, rent increases should coincide with the tenant's annual recertification date.

Rent increases are reviewed by Section 8 staff, tested for rent reasonableness and will be granted based on increases in real property taxes, tax assessments, utilities and other related costs.

The cost of capital improvements made to the rental property does not constitute a justification for an annual rent adjustment.

The PJCDA reserves the right to deny a rent increase based on factors of rent reasonableness.

## • **REVIEW OF HOUSING VOUCHER PAYMENT STANDARDS**

HUD issued Payment Standards are used to determine the monthly housing assistance payment to be paid by the PJCDA to an owner. The Applicable Payment Standard (APS) represents the maximum monthly subsidy payment made on the family's behalf. The Payment Standard is the lower of the applicable Payment Standard for the family's Housing Choice Voucher or size of the dwelling unit to be occupied by the family.

### **1. *Applicable Payment Standard Schedules***

The PJCDA has established an Applicable Payment Standard (APS) scheduled according to the PHA's jurisdiction, e.g., Orange County Fair Market Rent (FMR) Payment Standard amounts are adopted for each unit size based on the number of bedrooms applicable to the family including: (a) 0-bedroom; (b) one-bedroom; (c) two-bedroom, (d) three bedroom; (e) four-bedroom; and (f) Five + bedrooms.

Applicable Payment Standards adopted by The PJCDA fall within the prescribed 90% to 110% of the published FMR for the appropriate unit size. The PJCDA reserves the right to establish a higher schedule, if necessary, to provide reasonable accommodation for a Section 8-assisted family with disabled/handicapped members. APS amounts higher than the allowable range must be pre-approved by the HUD Public Housing Field Office. For approval, the PJCDA must provide the Field Office with program justification for the higher amounts this is known as a rent exception.

### **2. *Reviews and Changes to Applicable Payment Standards***

The PJCDA monitors its Applicable Payment Standard levels on a minimum annual basis in accordance with the following criteria:

- a. Review of individual family APS levels to ensure families are not paying an amount greater than 40% of their monthly adjusted income based on *inadequate* Payment Standards
- b. Continual monitoring of APS levels at the time of the family's annual and/or interim recertification

Only when Applicable Payment Standards fall below the 90% of the FMR and/or levels are insufficient to meet the family rent subsidy needs will the PJCDA adjust its APS levels. Moreover, newly adjusted APS levels will be published, and appropriate briefing packets and handbooks will be revised to reflect the new amounts.

### **3. *Minimum Rents***

The PJCDA has a minimum rent policy of \$50 for all participants in the Section 8 Voucher Program.

### **HAP Contract Terminations**

All terminations of a HAP contract initiated by PJCDA will be sent in writing to the owner and family. Automatic termination of HAP payments result when:

- A family vacates the unit either in violation of the lease or by mutual agreement with the owner before termination of the lease/contact
- The lease is terminated by the owner or the family
- The owner will not renew the HAP contract or extend the current lease
- The sole family member dies
- There has been no HAP for 180 calendar days
- PJCDA terminates assistance for the family
- NSPIRE space requirements are not met or the unit failed NSPIRE and has not been repaired in the required timeframe
- Owner violations of the HAP contract
- Family obligation violations

PJCDA may terminate the HAP contract when HUD funding is insufficient.

No future subsidy payments on behalf of the family will be made by PJCDA to the owner after the month in which the Contract is terminated. The owner must reimburse PJCDA for any subsidies paid by PJCDA for any period after the contract termination date.

If the family continues to occupy the unit after the HAP contract is terminated, the family is responsible for the total amount of rent due to the owner.

The owner may terminate the lease at the end of the lease term or at any time for lease violations. The owner must use the termination proceedings as prescribed in the lease and contract; the owner can:

- Institute court action, using the grounds for eviction cited in the lease.
- Try to obtain a mutual rescission of the lease with the family. The mutual rescission must be signed by both parties and indicate the reason for the rescission.
- Issue proper notice not to renew the Lease Agreement.

If the owner has begun eviction and the family continues to reside in the unit, PJCDA will continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the family. HAP payment will stop the first of the month following the legal eviction or the date the family moves from the unit whichever is earlier.

If an eviction is due to other than lease violations and if PJCDA has no other grounds for the family's termination of assistance, and if the family is eligible to move; PJCDA may issue a new voucher to the family.

The owner may not terminate tenancy for the PJCDA's failure to pay the housing assistance payment.

### **Grounds for Termination**

Notice PIH 2010-3; Notice PIH 2010-9

Termination of assistance for a Program f may include any or all of the following actions by PJCDA:

- Refusing to enter into a HAP contract or approve a lease.
- Terminating housing assistance payments under a HAP contract.
- Refusing to process or provide assistance under portability procedures.

PJCDA must terminate the participant family for the following reasons:

- **Family choice** -The family may request that the PJCDA terminate housing assistance payments on behalf of the family at any time.
- **Family with Zero Assistance**- If the family has received zero assistance in 180 calendar days PJCDA will terminate assistance. If the participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero. The family must notify the PJCDA of the changed circumstances and request an interim re-certification before the expiration of the 180-day period. It is the families' responsibility to request a review of income. However, if the family does not request a review in writing and supply all relevant income documentation to make a determination, the family's participation will automatically terminate. To reinstate rental assistance after program termination, the family must reapply to the Program and wait their turn for another Section 8 Housing Choice Voucher to receive Section 8 assistance
- **Net family asset limitation** – If the family owns real property that is suitable for occupancy by the family as a residence or has assets in excess of \$100,000, as adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, the PJCDA will terminate assistance within 180 calendar days of the verified asset value.
- **Eviction-PJCDA** must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.
- **Failure to provide consent** -PJCDA will terminate participation in the HCV program if any family member fails to sign and submit any consent form s/he is required to sign for any reexamination.
- **Failure to document citizenship** – PJCDA will terminate the lease if
  - (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status;
  - (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members
  - (3) If the PJCDA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis.

### **Termination for Cause**

- Any family or new admission that revokes consent or refuses to sign the 9886- A form will be terminated
- **Violating any Family Obligations**  
Families may be terminated from the program at any time for breaking any of the rules under "Family Obligations" as define on the Housing Choice Voucher.

- **Drug Related or Violent Criminal Activity**

Families may be terminated if any family member has engaged in drug-related or violent criminal activity. Termination from Section 8 does not depend on whether the family member has been arrested or convicted. It only depends on whether there is a preponderance of evidence to indicate a family member has engaged in drug-related or violent activity.

- **Furnishing False or Misleading Information Concerning Illegal Drug Use or Alcohol Abuse or Rehabilitation**

The PJCDA will terminate the lease if the PJCDA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

- **Fraud**

The family may be terminated if any member commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

- **Any Other Criminal Activity**

Criminal activity which threatens the health or safety of others, or which continually disturbs others.

- **Disturbing the Peace**

A history of disturbance of neighbors or damage to the property.

- ~~**Unauthorized occupants**~~

~~Any persons living in the unit without written landlord permission or permission of the PJCDA. (removed see below)~~

- **Lease violations**

- **If any family member commits lease violations, including but not limited to:**

- If the family does not give proper notice to PJCDA and the owner before moving out of the unit.
- The family does not give PJCDA a copy of any owner eviction notice as required in this Administrative Plan.
- If the family is not using the assisted unit for residence by the family and/or the assisted unit is not the family's only residence.
- If the family has non-approved persons residing in the unit.
- If the family does not promptly notify PJCDA that a family member no longer resides in the assisted unit.
- If the family subleases, lets, assigns the lease or transfers the unit.
- If the family does not notify PJCDA of an absence from the unit, and if the family does not provide PJCDA any requested information regarding the absence.
- If the family owns or has any interest in the unit.

~~Any repeated lease violations~~

- ~~**Refusal to sign or supply documents**~~

~~—The family refuses to supply any certification, release of information or documentation which the PJCDA or HUD determines to be necessary for the administration of the program (removed redundant see above)~~

• ~~**Vacating without notice**~~

~~—The family vacates the dwelling unit without proper notice to the PJCDA and Landlord. (removed redundant see above)~~

• ~~**Assisted unit is not principal residence**~~

~~—The family does not use the dwelling as its principal place of residence (removed redundant see above)~~

• **Abusive behavior towards staff**

The family engages in or threatens abusive or violent behavior toward the PJCDA staff.

• **Access to the unit**

The family must allow the PJCDA to inspect the dwelling unit at reasonable times and after reasonable notice. If after two attempts, the PJCDA is denied access the unit will be considered failing and the participant can be terminated.

Owners are briefed to notify the PJCDA, in writing, of their intent to evict a Section 8 family or otherwise terminate a Lease Agreement and discontinue the Housing Voucher Contract on behalf of the Section 8 family. The PJCDA must also be notified of any sale, bank foreclosure or transfer of ownership of a property under Housing Voucher Contract and Lease Agreement which could ultimately affect the Section 8 tenant's current and future occupancy of the assisted unit.

Termination of tenancy by an owner may only be done in accordance with the terms and conditions of the Housing Voucher Contract and HUD Lease Addendum that governs the family's tenancy. In the case of an eviction, the landlord must initiate a court action in accordance with New York State Real Property Law to remove the family from the leased premises.

For participant households terminated due to program abuse and/or fraudulent action committed during the course of tenancy and program participation, Section 8 staff must document the termination and maintain records for program purposes and flagged in the HUD EIV System. In these instances, families are advised, in writing, of the reasons for termination and afforded the opportunity to appeal the PHA decision and be granted an Informal Hearing. Further, owners are also notified, in writing, of the date of termination and issuance of the final housing assistance payment.

~~Families terminated due to ineligibility for continued rent subsidy, (total tenant payment is equal to or greater than the gross rent), are provided a minimum thirty (30) day advance notice of termination of rent subsidy payments. Families are further briefed that the Section 8 Housing Choice Voucher will remain open for a six (6) month period following the date of termination. If, at any time during the six (6) month nonpayment period, the family experiences a change in income, assets, family composition or allowances which adversely affects their ability to make rent payments on their own, they may request an interim~~



~~evaluation of the new data to determine if housing assistance payments should be reinstated. (removed redundant see above)~~

In all instances of family terminations, eligible households on the PJCDA active waiting list are contacted to fill the vacancies left by families who are terminated or voluntarily move off the Section 8 Program

### **Removal of a Family Member from the Application**

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit. After admission to the program, the family must present evidence of the former family member's current address upon PJCDA's request.

## **• REIMBURSEMENT FOR PHA OVERPAYMENTS**

The PJCDA maintains a strict policy of reimbursement for any overpayment of housing assistance payments made on behalf of a Section 8-assisted family at time of occurrence, should a family fail to report income, assets or change in household composition that resulted in a reduced housing assistance payment, the amount of overpayment must be reimbursed to the PJCDA in order to remain eligible for continued Section 8 assistance.

## **F. Repayment Agreements**

**PIH- 2018-18**

### **Determining Participant Monthly Repayment**

Repayment Schedule Following is the schedule for repayment amounts and maximum terms. Amount Due:

\$600 or Less	Maximum Term 6 Months
\$601 - \$1,200	Maximum Term 12 Months
\$1,201 - \$1,800	Maximum Term 18 Months
\$1,801 - \$2,400	Maximum Term 24 Months
\$2,401 – or More	Maximum Term 36 Months

The Section 8 Family may pay the amount of HAP overpayment in full or enter into a repayment agreement, the repayment agreement is a promissory note and contains the following:

- Details as to how it is to be repaid, when it is due, and that the family could be terminated if they default
- The monthly repayment amount is in addition to their regular tenant portion.
- Families that miss 2 consecutive payments will be considered a default and can be terminated from the Housing Choice Voucher Program.

## Additional Notes

In no event will the PJCDA enter into a repayment agreement for retroactive rents whereby the monthly amount of the repayment plus TTP is greater than 40% of the family's adjusted monthly income.

If a family commits additional program fraud while a repayment agreement is in force they will be terminated.

Repayment agreements should not last past 48 months however this could be longer or shorter depending on the amount owed and the PJCDA discretion.

If a family refuses to enter into a repayment agreement they will be terminated.

The repayment agreement will be renegotiated when financial circumstances of the household change

The amount is greater than \$5,000, or the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

PJCDA may at any time not enter into a repayment agreement and instead terminate the family's tenancy and pursue alternative collection methods. If the family's assistance is terminated and repayment has not been made, the money will still be considered to be owed and may be reported in HUD's EIV system as a debt owed. PJCDA will take such action, as necessary, to collect the amounts

Payments must be made by money order or check and must be mailed or placed in the blue lock box, if a personal check is received and bounces client is responsible for the returned check charge and must then pay with a money order.

- **FAMILY MOVES AND PORTABILITY**

### Portability

#### 24 CFR 982.353(b)

As previously mentioned, participating families must notify the PJCDA of their intention to move within the City of Port Jervis or outside to another PHA jurisdiction in accordance with the portability features of the Section 8 Program. Families are briefed to provide the owner and the PJCDA with a minimum thirty (30) days advance written notice of their intent to vacate the unit, dated from the first of the month. For example, if a family makes a decision to move on January 1, the 30-day notice must arrive at the landlord and PHA's location on or before December 1st of the preceding month. However, if a family owes monies to a PHA, the owed amount must be satisfied prior to porting to another jurisdiction.

### Outgoing Portability

#### 24 CFR 982.353(c), (d); 982.355(c)(1)

If the applicant did not live in PJCDA's jurisdiction at the time that the family's application for assistance was submitted, the family must lease a unit within PJCDA's jurisdiction for at least 12 months before requesting portability. The PJCDA will consider exceptions to this

policy for purposes of reasonable accommodation, or reasons related to domestic violence, dating violence, sexual assault, or stalking.

Families must notify the PJCDA when they want to move out of the PJCDA's jurisdiction using the portability feature. Families that are new admissions to the HCV program must meet the income eligibility requirements both for PJCDA and also in the jurisdiction where the family intends to move to ("the Receiving PHA"). Applicant families must also meet the income eligibility requirements in the area to which the family plans to move. Families are informed of these requirements in the briefing session.

The PJCDA will approve no extensions to a voucher issued to an applicant or participant family porting out of the PJCDA's jurisdiction except under the following circumstances:

- The initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PJCDA; or
- The family decides to return to the initial PJCDA's jurisdiction and search for a unit there.

Portability rules, as mandated by HUD, are an integral part of family our briefing packet for new admissions to the program.

- Under portability rules, **the following conditions must be met**
  - a. The Section 8 family must select a jurisdiction that operates a tenant-based program.
  - b. should the Section 8 family reside outside the PJCDA jurisdiction at the time of application, they must be under lease for a minimum 12-month period prior to approving a request for portability outside the City of Port Jervis.
  - c. For a family that qualifies for Mainstream Voucher Assistance the 12- month residency within the City of Port Jervis jurisdiction requirement will be waived and portability could commence upon Voucher Issuance.
  - d. If the Section 8 family is a resident of the City of Port Jervis at the time they are contacted for enrollment, the 12-month lease requirement is waived, and the family may exercise their option of portability to any other jurisdiction. However, to be admitted to another PHA's program, the family must qualify under the HUD income guidelines applicable to the receiving PHA's jurisdiction.
  - e. The housing unit selected in the other PHA jurisdiction must represent permanent housing, i.e., temporary housing such as motels, hotels, or homeless shelters, will not be considered as meeting the test of domicile for the purposes of portability.
  - f. the Section 8 family can be absorbed in the receiving PHA's program whereby the PJCDA will retain its Housing Choice Voucher for reissue to another eligible family on its waiting list.
  - g. The Section 8 family can move to a jurisdiction that declines to absorb the PJCDA family. In these instances, the receiving PHA will assist the family and administer the PJCDA's (initial PHA) Housing Choice Voucher on behalf of the family. The receiving PHA will bill the PJCDA for its applicable HAP payment and 80% of the PJCDA administrative fee. The initial PHA (the PJCDA) will retain 20% of its applicable administrative fee.

- h. Should the tenant family move to a jurisdiction that does not absorb them, the receiving PHA cannot bill for more than the PJCDA's Applicable Payment Standard. Should the Applicable Payment Standard for the receiving PHA be greater, the PJCDA reserves the right to deny the portability move.
- i. If the family is currently under a repayment agreement, the family cannot exercise their right to portability out of the PJCDA's jurisdiction until the Repayment Agreement is satisfied.
- j. The PJCDA reserves the right to deny portability into billing jurisdictions where the payment standard of a unit exceeds the PJCDA's current payment standard for that same size unit.
- k. In situations where a family intends to reside in Orange County NY, a unit must be identified first, before the paperwork is ported to PathStone. Participants and applicants must move out of Port Jervis for their assistance to be administered by PathStone
- l. Tenant must be in good standing

For ease of administrative and accounting procedures, the PJCDA will maintain a policy of tenant family program absorption for all Section 8-assisted families who move into the PJCDA's jurisdiction. However, should program availability be limited for absorption, the PJCDA reserves the right to administer another PHA's Housing Choice Voucher and opt for portability billing.

### **Incoming Portables**

PJCDA may absorb or administer some or all incoming portable vouchers based on funding available.

If the PJCDA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the PJCDA will notify the initial PJCDA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

For any family moving into its jurisdiction under portability, the PJCDA will conduct a new re-certification of family income and composition. However, the PJCDA will not delay issuing the family a voucher for this reason. Nor will the PJCDA delay approving a unit for the family until the re-certification process is complete unless the family is an applicant, and the PJCDA cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

### **~~F. Family Moves within the PJCDA Jurisdiction~~**

~~For families who move within the City of Port Jervis, efforts are made to contact the new property owner and invite his/her participation in the program, inspect and approve the new unit, and execute a Housing Voucher Contract, Lease Agreement and HUD Lease Addendum, all within a reasonable time frame to ensure uninterrupted housing assistance. (removed updated and redundant)~~

## • **COMPLAINTS AND APPEALS**

The PJCDA conducts its programs in accordance with Federal Fair Housing Law and Equal Housing Opportunity and is the appointed Fair Housing Office for the City of Port Jervis. The City's Fair Housing Plan (revised and adopted by the City of Port Jervis Common Council on April 25, 1988) also assures the compliance of Federal Laws and Executive Orders in the administration of all housing programs and activities relating to housing and community development.

Complaints from Section 8 households alleging discrimination are referred to the Fair Housing and Equal Opportunity Division. As part of the enrollment briefings, families are also notified to file all discrimination complaints with the U.S. Department of Housing & Urban Development (HUD), Fair Housing Division, by completing and submitting a Housing Discrimination Complaint form. The PJCDA will assist families in this process. At briefing, families are given the brochure "Are you a victim of discrimination?" and that contains the application for filing a Fair Housing complaint.

### **Informal Fair Hearings and Reviews:**

- Any participant or applicant family terminated from the PJCDA will be granted the rights of the appeal process. Families are notified, in writing, of their right to request an informal fair hearing. Applicant families may request an informal review.
- Families requesting an informal hearing or review must do so, in writing, within ten (10) days following the PJCDA's written notice of termination or other action.
- Once a request for a review or hearing is received it will be scheduled within 14 days of notice. The hearing or review must take place within 60 days of request.
- The Hearing Officer will not have been involved in the initial decision and/or finding rendered by the PJCDA. The Hearing Officer will render a decision, taking into account:
  - Any evidence to support the termination
  - all documentation contained in the tenant family's file;
  - testimony of the Section 8 family;
  - Any evidence the family presents to support their claim.
  - applicable HUD program regulations; and
  - the PJCDA Administrative Plan policies.
- A written confirmation of the decision will be provided to the family within fourteen (14) days following the date of the Informal Hearing. The decision handed down following the Informal Hearing will be the final decision in the case.

- Further appeals must be made directly through HUD.

### **USCIS Determination of Ineligibility**

If a family member claims to be an eligible immigrant, and the USCIS SAVE system and manual search do not verify the claim, PJCDA will notify the applicant/family within 10 business days of their right to appeal to the USCIS within 30 calendar days or to request an informal hearing with PJCDA either in lieu of or subsequent to the USCIS appeal.

If the family appeals to the USCIS, they must give PJCDA a copy of the appeal and proof of mailing, or PJCDA may proceed to deny or terminate. The time period to request an appeal may be extended by PJCDA for good cause. Good cause includes medical emergency, employment emergency, family emergency, etc. The emergency must be documented in writing (doctor's statement, employer statement, independent agency statement, etc.) The request for a PJCDA hearing must be made within 10 business days of receipt of the notice offering the hearing or, if an appeal was made to the USCIS, within 10 business days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this Plan for both applicants and families. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PJCDA will:

- Deny the applicant family.
- Terminate the family if the family does not qualify for deferral.

If there are eligible members in the family, the PJCDA will offer to prorate assistance or give the family the option to remove the ineligible members.

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

Families whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights describes above) are entitled to a hearing based on the right to a hearing regarding determinations of Total Participant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

### **• *MONITOR AND ASSESS PROGRAM PERFORMANCE***

Section 8 staff continually monitor the Housing Choice Vouchers issued and Housing Choice Voucher contracts executed on behalf of participant households. Records are maintained for program tracking purposes and program performance is reported to the HUD Public Housing Division through the MTCS and SEMAP reporting systems. The PJCDA utilizes HAPPY Software to reinforce the accurate and efficient administration of the Section 8 program and delivery of program services.

The PJCDA conducts owner outreach to identify additional rental units and contact with area realtors regarding unadvertised listings for vacant units.

To keep abreast of changes in HUD program regulations and policies, the PJCDA monitors all PIH notices. Furthermore, all relevant changes are implemented in a timely manner. As such, the PJCDA will review the contents of its Administrative Plan on an annual basis to

ensure that the policies and procedures contained herein, are current, accurate and in strict compliance with all HUD regulations.

### • ***FAIR HOUSING & EQUAL OPPORTUNITY***

The City of Port Jervis conducts its business and administers all local, state and federally-assisted programs in strict accordance with Federal Fair Housing Law and Equal Housing Opportunity for the benefit of all Port Jervis citizens. The City has appointed the PJCDA Director as the Fair Housing Officer responsible for enforcement of the provisions of the City's Fair Housing Plan and PJCDA's Fair Housing & Equal Opportunity Plan. The PJCDA is proactive in all Fair Housing practices and ensures that tenants and landlords are educated about their rights and responsibilities.

### • ***OUTSTANDING HOUSING PERFORMANCE***

The City of Port Jervis continues to maintain a record of high housing performance with a solid commitment to extra low and moderate income residents, disenfranchised families and disabled/handicapped residents of the community. The City of Port Jervis targets its programs, services and activities to expand housing choice among tenants, homeowners and first-time homebuyers through the promotion of Fair Housing practices for the benefit of all citizens, with priority afforded to extra low and moderate income families who are the most likely group to experience exclusion in the private housing market. The PJCDA is committed to help making homeownership available to these groups through Section 8 homeownership and the first-time home buyer programs.

### **Program Integrity**

The PJCDA anticipates that the majority of families and PJCDA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. To ensure that the PJCDA's program is administered effectively and according to the highest ethical and legal standards, the PJCDA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

The PJCDA will:

- Provide each applicant and family with a copy of "Is Fraud Worth It?"
- Provide each applicant and family with a copy of "What You Should Know about EIV", and require receipt confirmation
- Review and explain the contents of all HUD and PJCDA required forms prior to requesting family member signatures
- Place a warning statement about the penalties for fraud on key PJCDA forms
- and letters that request information from a family member
- Provide each PJCDA employee with the necessary training on program rules
- and the organization's standards of conduct and ethics

### **Detecting Errors and Program Abuse**

The PJCDA will employ a variety of methods to detect errors and program abuse, including:



- Using the results reported in all HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the PJCDA's error detection and abuse prevention efforts.
- Encouraging staff, families, and the public to report possible program abuse.
- Reviewing all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation.
- Investigating inconsistent information related to the family that is identified through file reviews and the verification process.

For each investigation the PJCDA will determine:

- Whether an error or program abuse has occurred
- Whether any amount of money is owed the PJCDA
- What corrective measures or penalties will be assessed

### **Consideration of Remedies**

All errors and instances of program abuse will be corrected prospectively. Whether the PJCDA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

In the case of family-caused errors or program abuse, the PJCDA will take into consideration:

- The seriousness of the offense and the extent of participation or culpability of individual family members
- Any special circumstances surrounding the case
- Any mitigating circumstances related to the disability of a family member
- The effects of a particular remedy on family members who were not involved in the offense

### **De Minimis Errors**

De minimis errors occur when the PJCDA determination of a family's income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (or \$360 in annual adjusted income).

As the PJCDA becomes aware of the existence of an income calculation error, it will correct the error(s) retroactive to the effective date of the action the error was made. Depending upon the family circumstances and when errors are detected, the PJCDA may take one of the following corrective actions to credit or repay the family.

- Repay the family the tenant portion overpayment.
- This may be performed if the family no longer resides in the same unit or a unit under the same ownership as when the family overpayment was made.
- Apply the family a credit to reduce the amount of tenant rent to owner until the amount of family overpayment has been met.
- This may be performed if the family continues to reside in the same unit as when the overpayment was made.
- Families will not be required to repay the PJCDA in instances where the PJCDA miscalculated income resulting in a family being undercharged for rent.



### **Notice and Effective Dates**

The PJCDA will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation.

The notice will include:

- A description of the error or program abuse,
- The basis on which the PJCDA determined the error or program abuses,
- The remedies to be employed, and
- The family's right to appeal the results through an informal review or informal hearing.

Increases in the family rent will be implemented **retroactively** to the date of the un-reported increase. The family may or may not be offered a repayment agreement, based on the seriousness and length of the unreported income.

## **III. SPECIAL PURPOSES FUNDING**

### **A. SECTION 8 FUNDING**

Since inception of the City's Section 8 Program in 1979, the PJCDA has successfully secured funding for a total of 327 units to assist Extra Low Income families living in the City of Port Jervis. However, due to substantial budget cutbacks, PJCDA has been unable to maintain 100% lease up of the 327 units. As a result, PJCDA will maximize its funding sources when it achieves 200 leased units.

During FY1998, PJCDA received an allocation of fifteen (15) Section 8 Certificates (later converted to Housing Choice Vouchers and now known as Non- Elderly Disabled Vouchers) dedicated to Extra-Low-Income persons with disabilities. **Beginning with FY 2018 and as previously stated this agency was awarded 22 Mainstream vouchers. These Mainstream vouchers target disabled persons between the ages of 18 to 62 and are experiencing housing instability. Subsequent awards have brought this number to 38.** This Special Purposes funding has allowed the PJCDA to target needed housing assistance for the City's disabled, handicapped and frail non- elderly persons who experience greater hardships in the private rental housing marketplace. Rent subsidies will expand housing choice for these individuals and enable persons with disabilities to secure safe and affordable housing at affordable rents.

As an integral part of the City's Section 8 Housing Choice Voucher Program, PJCDA also administers a Family Self-Sufficiency (FSS) Program. This program helps to empower Extra Low Income families to access other critical services including job training, education, child care, transportation, affordable health care, family counseling, parenting skills and gainful employment. Administered by the PJCDA, the City's FSS Program assists Extra Low Income families to achieve stability and financial independence through a combination of housing assistance and support services.

### **B. OTHER FEDERAL AND STATE ASSISTED HOUSING PROGRAMS**

#### **1. Section 8 Funding**

A. In addition to the City's Section 8 Housing Choice Voucher Program, the PJCDA administers several other state and federally-assisted programs for the benefit of the City's Extra Low Income (ELI) citizens. The goals of the City's housing programs are to improve the City's existing housing stock, create new affordable housing and expand housing choice and opportunities for all residents, with priority afforded to ELI persons and families. Other programs either administered by the PJCDA or advocated for the City by the PJCDA include:

- HUD-funded HOME program (as an active member of the Orange County HOME Program Consortium);
- Small Cities Community Development Block Grant (CDBG) Program, administered by the NYS Governor's Office;
- Programs funded through the USDA Rural Development, i.e., the 504 housing rehabilitation program;
- Partnering with, or referring properties in need of rehabilitation to, local not-for-profit agencies such as RECAP, Inc. or Orange County Community Development.

In recognizing the need to expand housing opportunities for LMI and first-time homebuyers, PJCDA has prepared a comprehensive Affordable Homeownership Plan and invited the Regional Economic Community Action Program (RECAP) to partner with PJCDA for a community-based homeownership program. RECAP, an Orange County not-for-profit Agency, is an experienced housing provider offering down-payment assistance and housing counseling services for LMI, first-time homebuyers.

## **2. Family Self Sufficiency Program(FSS)**

The FSS program is administered by public housing agencies (PHAs) with the help of program coordinating committees (PCCs). Once an eligible family is selected to participate in the program, the PJCDA, and the head of each participating family (for FSS purposes, as determined by the family) execute a FSS Contract of Participation that specifies the rights and responsibilities of both parties. The term of the FSS contract is approximately 5 years, but it may be extended for another 2 years by the PHA for good cause. The FSS contract requires that the family comply with the lease, that all FSS family members (not just family members who elected to participate in FSS) are welfare-free at the time of graduation, and that the head of the FSS family (the same as the head of household for rent and income eligibility purposes) seek and maintain suitable employment.

Noncompliance with the FSS contract without good cause may result in termination from the FSS program. Termination (or exit) from the FSS program may not result in termination of the family's rental assistance.

The FSS contract also incorporates the family's individual training and services plan (ITSP). The ITSP is the document that records the plan for the family. That is, the series of intermediate and long-term goals and the steps the family needs to take – and the services and resources they may need to access – to achieve those goals.

Some of the services coordinated through the program include childcare, transportation, education, job training, employment counseling, financial literacy, and homeownership counseling, among others. Services are generally not provided by the PHA/owner, but rather outsourced to service providers in the community.

An interest-bearing escrow account is established by the PJCDA for each participating family. Any increases in the family's rent as a result of increased earned income during the

family's participation in the program result in a credit to the family's escrow account. Once a family graduates from the program, they may access the escrow and use it for any purpose. The PJCDA has developed an Action Plan in consultation with the Department Administrators and the Program Coordinating Committee which has met with HUD approval. The Action Plan describes the policies and procedures of PJCDA for operation of a local FSS program, and contains the following information:

- Family demographics. A description of the number, size, characteristics, and other demographics (including racial and ethnic data), and the supportive service needs of the families expected to participate in the FSS program.
- Estimate of participating families. A description of the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program, based on available and anticipated Federal, tribal, State, local, and private resources.
- FSS family selection procedures.
- Incentives to encourage participation.
- Distribution (including the interim distribution) of the FSS Escrow Account and use of forfeited accounts.

### **3. Section 8 Homeownership**

#### **Eligible units are as follows:**

- a. Single-family home
- b. New construction with environmental review completed
- c. Under construction
- d. Existing homes -Homes occupied under a lease-purchase agreement

#### **Down Payment**

- a. 3 % of purchase price of the home will come from community resources, such as Revolving Loan Fund through PathStone up to \$7,500, or First Home Club: Savers Program \$7,500 grant and the Orange County Home Grant up to \$10,000.00.
- b. 1% of the purchase price will come from families' personal resources.

#### **Recapture of Home Owner Assistance-**

The PJCDA will not impose any recapture provisions for the monthly housing choice voucher assistance in the Home Ownership Voucher Program. Upon sale of the home and if still eligible, a family may move and utilize its voucher for either rental assistance or home ownership assistance. If home ownership assistance is chosen, then the term limits remain in effect and the family will be entitled to utilize the remaining term. With regard to the payment standard and sale of the home, voucher rules covering relocation become effective. During this time the payment standard and voucher size will be adjusted to accommodate the family size or composition.

#### **Eligibility Requirements for Families -**

- a) Unless otherwise approved by PJCDA, any family may be considered for home ownership assistance provided they are eligible participant in the Housing Choice Voucher (HCV) rental assistance program and in PJCDA's jurisdiction for at least 12 months. This could be waived or reduced for a port-in, or a reasonable

accommodation. Applicants cannot be taken from the wait list. The individual or family must also be in compliance with program regulations and in good standing.

b) Family must meet the definition of a first time homebuyer - A family of which no member owned any present ownership interest in a residence of any family member during the three years before commencement of homeownership assistance for the family. The term "first-time homeowner" includes a single parent or displaced homemaker who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse.

c) Prohibition against assistance to a family that has defaulted- Any household member of the assisted family that was an adult at the time that they defaulted on a mortgage using homeownership assistance is prohibited from participating in the Homeownership program.

d) Families must meet the employment guideline - non-disabled families one or more adult homeowners must have been continuously employed full time for at least a year before homeownership assistance begins. Full time is defined as an average of 30 hours per week. For families, whose head of household or spouse that meet the HUD definition of disabled or elderly the employment requirement is waived

e) Families must meet the income guideline the minimum income requirement is as follows- non disabled families- the current federal minimum wage X 2000 (an average of 30 hours a week). For disabled families meeting the HUD definition the minimum income guideline is waived as long as income is from a stable source and meets the current minimum SSI monthly standard. PJCDA will not seek a higher minimum income requirement at this time.

f) No participant in the PJCDA Section 8 Homeownership program can own any Interest in a residence except for a cooperative when homeownership assistance begins.

g) Home Ownership counseling- Families must attend at least 8 hours of HUD approved Home Buyer education classes or an approved online Home education class such as EHOME. This must be done within two years of the beginning of homeownership assistance, and they must receive a certification of completion. For those families whose certificate has expired they will need to do a refresher course.

h) Topics of Homeownership Counseling that must be covered:

- i) Home Maintenance including grounds care.
- ii) Budgeting and money management ii) Credit counseling
- iii) Finding a home including information on the community
- iv) Negotiating home price and diverse types of financing
- v) Fair housing and Fair lending

The PJCDA will strongly encourage our families to attend post - purchase counseling Topics included but not limited to-home maintenance, managing debt after home ownership occurs,

protecting your assets, record keeping, preventive maintenance, basic home repair, taxes and insurance and foreclosure avoidance.

i) Home Inspections and HQS- The potential home must pass HQS before assistance can commence. We will try to inspect the home before the professional inspection is done to save the family any undue financial hardship. Systems must be functional and be tested systems include heat, water, and electric services. Independent Inspection- Families will select and pay for an independent inspection by a professional home inspector. Home inspectors must have certification from the American Society of Home Inspectors or a similar national organization. Inspection must include foundation, building exterior and interior, roof, plumbing, electrical systems and heating systems. This report must be provided to PJCDA. Home Ownership Assistance will not commence until this report is reviewed by PJCDA. For USDA mortgages we can use the USDA required inspection report.

j) Affordability and financing- PJCDA will not make partial month payments for home ownership. Assistance begins the first of the month after the unit passes inspection. PJCDA will be responsible for determining the amount of the home ownership assistance to be provided. Once the family has met all Section 8 requirements of the home ownership process and has applied for the mortgage PJCDA will supply the following to the lender, the total gross rent for this family, total tenant payment, the current payment standard, and the estimated housing assistance payment the lender will be notified that these numbers are subject to change once the accurate mortgage, interest, taxes, and insurance payment are in. As per regulations the payment standard will never be less than the payment standard at the time home ownership payments begin.

k) Monthly home ownership expenses to be considered include:

- Principal, interest, taxes, insurance (PITI)
- Principal and interest on debt incurred to finance major repairs
- Utilities- PJCDA will use the lesser of the allowance for the bedroom size the family is purchasing or the allowance for the bedroom size the family is eligible for.
- A monthly allowance for routine maintenance and for major repairs of \$25.00 for each. This is so families can establish savings; the PJCDA will track this during the recertification process.
- The housing assistance payment may be made directly to the lender or the family depending on the request of the lender and the ability to accept payments from PJCDA and the family.
- Mortgage Financing and Down Payments – PJCDA will not approve any financing or re-financing if the housing counseling partner or this agency determines that the debt is unaffordable, or the loan terms are oppressive.
- The voucher holder must be on both the deed and the mortgage.

- Mortgage financing affordability will be defined by the following debt-to-income ratios:
- the front-end ratio (housing debt-to-income) should be no higher than 40%; and the back-end ratio (all debt-to-income) should not exceed 45%.

The mortgage loan financing used for the purchase of the home must meet one of the following criteria:

- i. provided, insured, or guaranteed by state or federal government
- ii. complies with secondary mortgage market underwriting requirements
- iii. complies with generally accepted private sector underwriting standards

Interest-only loans, balloon payments, and adjustable rate mortgages are not permitted. Lease-purchase agreements will be permitted, but only upon review by PJCDA before any binding agreement is reached. Refinancing could be possible for a lower interest rate or capital improvement however it must be approved by PJCDA and cash out of equity is not allowed.

#### Family Obligations:

- a. The family must leave their rental unit in good condition before transferring assistance to the home ownership program.
- b. The family must comply with the terms of any mortgage which secures the debt.
- c. During the time the family is receiving home ownership assistance the family may not sell, convey or transfer any interest in the home to any entity or person this includes subletting or leasing.
- d. The assisted home must be the family's only residence.
- e. All information supplied by the family must be true and complete, they must recertify once a year in person.
- f. Any change in Household income must be reported at the time of occurrence. The family must supply all information necessary to complete an interim recertification.
- g. The family must immediately notify PJCDA if the family becomes delinquent mortgage and must agree to work with the housing counselors to work out terms for becoming current.
- h. Loss of employment: If a family loses a full-time job we will require the family to attend post-purchase counseling and may be required to join our FSS program.

### Maximum Term of Assistance:

Participant Families with an initial mortgage of 20 years or more the maximum term for subsidy is 15 years. Unless:

- a. The family is Elderly/Disabled and meets the HUD definition then the term of assistance is waived.
- b. Any families with a mortgage term of less than 20 years the maximum term for subsidy is 10 years.

### Environmental Requirements:

- a. PJCDA will require homes in the flood zone to acquire flood insurance.
- b. Required Paperwork

### Before Closing:

- a. Contract of Sale – Must be fully executed and must specify price and terms from seller to purchaser. The provisions must include allowances for purchaser to set up an independent inspection and purchaser is not obligated to purchase the home unless it passes inspection (Contract Contingency Statement). PJCDA has the right to deny any seller due to disapproval of an owner.
- b. Loan Estimate Form

### After Closing:

File Documents- These are permanent documents and must be maintained in H O file for as long as assistance is provided and 3 years thereafter

1. Prequalification application
2. Releases of information
3. Signed statement never defaulted on a mortgage under Section 8 Assistance
4. Proofs of eligibility -full time employment for a year
5. Disability letter (if disabled)
6. Home Ownership Voucher
7. Signed Statement of Family Obligations (signed)(HUD Form 52649)
8. Home Ownership Counseling Courses Completion Certificates
9. Credit Report(s) or confirmation of Credit Score
10. Excel Worksheet estimating HAP for Home Ownership
11. Copy of Mortgage Commitment Letter
12. Signed Statement from seller that he/she is not prohibited from participating in any HUD program
13. HQS Inspection report & Professional inspection report.
14. Copy of Deed (or Cooperative PJCDAs, if applicable)
15. Mortgage document (as proof of competitive interest rate & terms)

### Permanent File Documents Continued:

16. Copy of HUD-1 Settlement Statement
17. Proof of family contribution toward 3% down payment (1%) was from personal resources (if the mortgage product used required down payment)
18. Optional: Photo of Home purchased and release of information to use for PJCDA program promotional purposes

## **H O Recertification**

Families will recertify once a year in person and must provide proof of:

1. Income and family composition
2. Home Owners Insurance Policy or declaration page
3. Mortgage is current
4. School and Property taxes are current
5. Utilities are current
6. If taxes and insurance are escrowed the escrow summary is needed to show that taxes and insurance are current.
7. Proof that they have an established savings account for maintenance and repairs

Portability:

Families who are determined eligible for the home ownership program and are in good standing with PJCDA, may port out to anywhere in the US for home ownership, as long as the receiving PHA administers a Section 8 home ownership program and is accepting new families.

## **IV. POLICIES**

### **A. Violence Against Women Act (VAWA)**

#### **— 1. VAWA – Determination Eligibility for VAWA Protections**

~~The Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, Final Rule (VAWA Final Rule, published at 81 Fed. Reg 80724 (November 16, 2016) provides that an applicant for assistance or a tenant/participant receiving assistance may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. (See 24 CFR 5.2005(b)(1)). This Section 6.04 provides an overview of certain provisions of the VAWA Final Rule. It is the responsibility of PJCDA to fully comply with the requirements of the VAWA Final Rule at 24 CFR 5, Subpart L, as well as any subsequent amendments or updates to the Final Rule and guidance regarding the Final Rule. In addition to prohibiting a denial, termination or eviction based on the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, the VAWA Final Rule prohibits an applicant or a tenant/participant from being denied assistance or admission, terminating participation in, or evicting a tenant based on the~~



collateral consequences of being a survivor of VAWA protected crimes. This type of collateral consequence is referred to as an adverse factor and may include poor rental or credit history or a criminal record that directly results from being a victim of domestic violence, dating violence, sexual assault or stalking.

VAWA protections cover tenants and assisted families, as defined under applicable program regulations, as well as applicants when they are applying for admission. VAWA protections apply to applicants and tenants/participants regardless of sex, gender identity or sexual orientation.

PJCDA is not required to ask for documentation when an individual presents a claim for VAWA protections; the agency may instead provide benefits based solely on the individual's verbal statement or other corroborating evidence.

#### ~~VAWA – Notice of Occupancy Rights and the Certification Form~~

PJCDA will provide to each of its applicants and to each of its tenants the notice of occupancy rights (HUD model form 5380) and the certification form (HUD model form 5382) at each of the following times:

- ~~\_\_\_\_\_ a) At the time the applicant is denied assistance or admission~~
- ~~\_\_\_\_\_ b) At the time the individual is provided assistance or admission~~
- ~~\_\_\_\_\_ c) With any notification of eviction or notification of termination of assistance~~

Furthermore, for the Housing Choice Voucher program the HUD required lease, lease addendum, or tenancy addendum, as applicable, must include a description of specific protections afforded to the victims of domestic violence, dating violence, sexual assault, or stalking as provided in 24 CFR 5.2005. See 24 CFR 5.2005(a)(ii)(C)(4) for more information.

### ~~2. VAWA – Emergency Transfer Plan~~

PJCDA has adopted an emergency transfer plan for the Housing Choice Voucher Program to ensure compliance with 24 CFR 5.2005(e).

### ~~3. VAWA – Certification and Documentation~~

The VAWA Final Rule prohibits a covered housing provider from requiring the victim to provide third party documentation of victim status, unless:

- ~~1. More than one applicant or tenant provides documentation to show they are victim of domestic violence, dating violence, sexual assault or stalking, and the information in one person's documentation conflicts with the information in the other person's documentation~~
- ~~2. Submitted documentation contains information that conflicts with the existing information already available to the PHA or owner.~~
- ~~3. In these circumstances, the regulations at 24 CFR 5.2007(b)(2) allow a PHA or owner to require the applicant(s) or tenant(s) to submit third party~~

documentation that meets the criteria provided in 24 CFR 5.2007(b)(1)(ii), (b)(1)(iii), or (b)(1)(iv).

#### ~~4. VAWA – Recordkeeping and Reports~~

~~PJCDA will keep a record of all emergency transfer requests under the emergency transfer plan and the outcomes of such requests. These records must be maintained for a period of three years.~~

##### ~~A. Reasonable Time to Establish Eligibility Following Bifurcation of a Lease~~

~~The VAWA Final Rule at 24 CFR 5.2009(b) provides that a tenant who is a victim of domestic violence, dating violence, sexual assault or stalking has a reasonable time period to establish eligibility under the covered housing program or find alternative housing following lease bifurcation in situations where the individual who was evicted or for whom assistance was terminated was the eligible tenant. All VAWA-related documentation is maintained in confidence. Confidentiality requirements set forth in 24 CFR 5.2007(c) and HUD Model form 5380 – the Notice of Occupancy Rights under the Violence Against Women Act.~~

##### ~~B. Termination of the victim Due to Actual and Imminent Threat~~

~~PJCDA or the owner is not prohibited from terminating assistance or evicting a tenant if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the property would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 24 CFR 5.2005(d)(3).)~~

#### ~~5. Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking~~

~~NOTE: PJCDA HCV Program is a voucher-only program and does not own dwelling units, therefore, this agency has no dwelling units available to offer tenants for temporary or permanent occupancy.~~

##### ~~A. Emergency Transfers~~

~~PJCDA HCV Program is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), PJCDA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The PJCDA's ability to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the PJCDA HCV Program has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.~~

~~The following sections are contained herein for reference, Sections 5 through 10~~

### ~~1. This plan identifies tenants who are:~~

- ~~a) eligible for an emergency transfer~~
- ~~b) the documentation needed to request an emergency transfer~~
- ~~c) confidentiality protections~~
- ~~d) how an emergency transfer may occur; and~~
- ~~e) guidance to tenants on safety and security.~~

~~This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees the PJCDA Housing Choice Voucher Program is in compliance with VAWA.~~

### ~~6. Eligibility for Emergency Transfers~~

~~A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar day period preceding a request for an emergency transfer.~~

- ~~• A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.~~
- ~~• Tenants who are not in good standing may still request and be granted an emergency transfer if they meet the eligibility requirements in this section.~~

### ~~7. Emergency Transfer Request Documentation~~

~~To request an emergency transfer, the tenant PJCDAll notify the administrator. The administrator will provide the tenant with Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD model form 5383). This agency will provide the tenant/participant with the Notice of Occupancy Rights at the time a tenant or participant requests an emergency transfer found on the HUD website.~~

~~This agency will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's oral or written request for an emergency transfer must include:~~

- ~~A. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the HCV program.~~
- ~~B. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar day period preceding the tenant's request for an emergency transfer.~~
- ~~C. Confidentiality—PJCD A HCV PROGRAM will keep confidential any information that the tenant submits in requesting an emergency transfer, and~~

information about the emergency transfer, unless the tenant gives their written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.

## ~~8. Emergency Transfer Timing and Availability~~

PJCDA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, this agency will act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. PJCDA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If there are no safe and available units for which a tenant who needs an emergency transfer is eligible, This agency will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, this agency will assist tenants in contacting the local organizations, or the Port Jervis Police Department offering assistance to victims of domestic violence.

## ~~9. Safety and Security of Tenants~~

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>

(Removed outdated / redundant 4-24 )

## **B. LEAD BASED PAINT**

PJCDA is responsible for complying with HUD's Lead Based Paint requirements as outlined in 24 CFR Section 35 and HUD PIH Notice 2017-13.

For Housing Choice Voucher (HCV) units, when a child under 6 is identified with an EBL (Elevated Blood Lead Level), PJCDA and the owner, as described below,

must take certain steps. For the HCV program, the regulations identify the H A (Housing Authority) as the designated party for ensuring compliance with all the regulations. This includes the same steps as for public housing, except that the owner is responsible for some of the steps, and the HA, other steps. In addition, for several steps, as described below, PJCDA may wish to collaborate with the owner to expedite implementation.

The Owner is responsible for Initial notification of a confirmed case to HUD: Notifying the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes of the case—that is, the child's address—within 5 business days. PJCDA may wish to collaborate with the owner on this notification process, such as by agreeing with the owner to be notified of the case by the owner and to forward the notification to the two HUD offices previously mentioned (HUD Field office and the HUD office of Lead Hazzard Control).

**Initial notification of the public health department, when necessary:**

When the owner is notified of the case by any medical health care professional other than the public health department, the owner PJCDAll notify the public health department of the name and address of the child within 5 business days. PJCDA may wish to collaborate with the owner on this notification process, such as by agreeing with the owner to inform the public health department.

**Verification of the case, when necessary:**

When the owner receives information from a person who is not a medical health care provider that a case may have occurred, the owner should immediately convey the information to PJCDA so PJCDA may notify the public health department.

**Control of lead-based paint hazards:**

The owner must complete the reduction of lead-based paint hazards in the index unit and common areas servicing that unit that were identified by the environmental investigation conducted by the Health Department within 30 calendar days, using a certified lead-based paint abatement firm or certified lead renovation firm. Work PJCDAll include occupant protection, and clearance of the unit and common areas servicing that unit by an independent certified risk assessor or a trained dust sampling technician working under the risk assessor in accordance with Lead Safe practices.

**Notification to other residents:**

As already required by the LSHR (Lead Safe Housing Rule), in a multiunit property, the owner must notify all residents of lead evaluation and hazard control activities.

**Ongoing maintenance:**

Maintaining covered housing without deteriorated paint if there is child under 6 in the family in accordance with all guidelines.

**PJCDA Responsibilities:**

Verification of the case, when notification is not from a medical health care provider: PJCDA may wish to collaborate with the owner on this verification of an EBL case, such as by agreeing with the owner to receive the information about the possible case. PJCDA PJCDAll immediately verify the information with the

public health care provider.

### **Environmental Investigation:**

Conducting an environmental investigation of the child's unit and the common areas servicing that unit in accordance with Chapter 16 of the HUD Guidelines. If lead-based paint hazards are found in the child's unit (the index unit) in a multiunit property, see section 9 of HUD PIH 2017-13 regarding risk assessments to be conducted in other covered units with a child under age 6 and the common areas servicing those units.

### **Monitoring of owner's compliance with LSHR:**

Monitoring the owner's compliance with the LSHR in accordance with the Housing Assistance Payments (HAP) contract PJCDA may wish to perform oversight of this in conjunction with periodic Housing Quality Standards (HQS) inspections, but not at a frequency less than annually if there was deteriorated paint or known lead-based paint hazards identified in the child's unit or common areas servicing that unit.

This includes such actions as (see above) monitoring the owner's:

- Notifying HUD of a confirmed case
- Notifying the public health department when any other medical health care professional notified the owner of the case
- Verifying the case when the owner receives information from a person who is not a medical health care provider that a case may have occurred
- Ensuring that any required lead hazard control (including passing clearance) is complete
- Ensuring that residents of other units in a multiunit property were notified of lead evaluation and hazard control activities
- Ensuring that ongoing maintenance of paint is conducted in accordance with sections all HUD guidelines.

### **Control:**

Ensuring the owner completes and clears the control of lead-based paint hazards identified in the Environmental Investigation of the index unit and the common areas servicing that unit. If lead-based paint hazards are found in the index unit in a multiunit property, and the risk assessments in other covered units with a child under age 6 and the common areas servicing those units identified lead-based paint hazards, control those lead-based paint hazards as described in section 9 of HUD PIH Notice 2017-13. PJCDA may wish to collaborate with the owner on the response, including providing the names of qualified and certified lead hazard control contractors, providing for the clearance examination, and ensuring notification to other residents in a multi-unit property.

### **Initial Inspection**

HUD regulations require that all stabilization of lead-based paint surfaces be completed before the commencement of assisted occupancy. While 24 CFR Section 35.115 (12) permits a reasonable delay in the performance of an evaluation, lead-based paint hazard reduction, or lead-based paint abatement on an exterior painted surface during a period when the weather conditions are unsuitable for conventional construction activities, such delays are not permitted for initial HQS inspections. A unit must pass its initial HQS inspection before

~~assistance commences under the HAP contract. Under no circumstances should a waiver be granted for a unit that fails initial inspection.~~

#### ~~Annual/Periodic Inspection~~

~~If a unit fails its annual reinspection due to lead-based paint hazards, PJCDA must advise the owner of his/her responsibility to ensure that the following conditions are adhered to:~~

- ~~(a) Occupants PJCDAll not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite), until after hazard reduction work has been completed and clearance, if required, has been achieved~~
- ~~(b) Occupants PJCDAll be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, unless the exceptions noted here:~~
  - ~~• If assisted occupancy has commenced prior to a periodic inspection, such paint stabilization must be completed within 30 days of notification of the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with~~

~~If the owner does not complete the hazard reduction required by this section, the dwelling unit is in violation of Housing Quality Standards (HQS) until the hazard reduction is completed or the unit is no longer covered by this subpart because the unit is no longer under a housing assistance payment (HAP) contract with the housing agency;~~

~~PJCDA may grant the owner an extension of time to complete paint stabilization and clearance for reasonable cause, but such an extension PJCDAll not extend beyond 90 days after the date of completion. (removed Redundant)~~

## **D. UTILIZING THE ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM**

### **EIV Verification Process**

**CFR 5.233; PIH Notice 2018-18**

The PJCDA uses HUD's Enterprise Income Verification (EIV) system to verify participant employment, earned income, unemployment benefits, and social security (SS), and supplement security income (SS) benefits information at annual and interim re-certifications.

The PJCDA will also use HUD's EIV system to monitor potential duplicate subsidies, deceased individuals, household member identity, under and non-reported income, and immigration status.

EIV is no longer required to verify tenant employment and income information during an interim reexamination of family composition and income. The PJCDA will continue to use this report to identify any income discrepancies.

The PJCDA will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process: HUD's EIV system.

**A. ~~Demonstrating Compliance with Mandatory Use of EIV.~~**

~~Use of the HUD EIV System is mandatory for PHAs. PJCDA will use the EIV system to identify potential discrepancies in income reporting by participants during the annual and interim reexamination processes. In order to identify any discrepancies, PJCDA will use EIV wage/benefit data in conjunction with third party income verification documents received during the annual and interim recertification processes. If there are discrepancies in the amount of income, or if the income is outdated, PJCDA will use the most accurate and reliable source of income verification.~~

~~The data contained and provided by the EIV system will be protected and is only be used for official program purposes. Data will not be disclosed to anyone in any manner that would violate the privacy of the individuals represented.~~

~~PJCDA adheres to EIV security awareness measures to ensure that only authorized system users may access the EIV system in order to maintain overall privacy and security compliance.~~

~~PJCDA uses the EIV system to verify household income on such sources as Social Security, Social Security Disability, SSI, wages, and unemployment compensation for each family member. PJCDA uses the EIV system to compare the income source and amount recorded in the participant-supplied income data and form, HUD 50058 which is maintained in the HUD Public and Indian Housing Information Center (PIC) System database.~~

**~~Demonstrating Compliance with Mandatory Use of EIV in accordance with 24 CFR §5.233(a)(2)(i),~~**

~~PJCDA must demonstrate compliance with mandated use of EIV by doing the following:~~

**~~A. For each new admission:~~**

- ~~a) review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date.~~
- ~~b) print and maintain a copy of the EIV Income Report in the tenant file.~~
- ~~c) resolve any income discrepancy with the family within 60 days of the EIV Income Report date.~~

**~~B. For each historical adjustment (action type 14):~~**

- ~~a) review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date.~~

**~~C. For each interim reexamination (action type 3):~~**



- a) ~~maintain in the tenant file, a copy of the ICN Page when there is no household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.~~
- b) ~~maintain in the tenant file, a copy of the EIV Income Report when there is an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.~~

~~— D. For each annual reexamination where the tenant does not dispute EIV information — PJGDA will:~~

- a) ~~maintain the EIV Income Report, current acceptable tenant— provided documentation and, if necessary traditional third— party verification form(s).~~

~~— E. For each annual reexamination where the tenant disputes EIV information PJGDA must:~~

- a) ~~maintain the EIV Income report, current acceptable tenant— provided documentation, and/or traditional third— party verification form(s)~~

~~— F. Where the Tenant reported income is not verifiable through EIV system, PJGDA will:~~

- a) ~~maintain current tenant provided documents and, if necessary, traditional third— party verification form(s).~~

~~{Removed outdated new Hotma—}~~

## **B. Debts Owed to PHAs & Termination Module**

HUD has established a national data base to serve as a repository for debt and termination information on former program participants. The program administrator is designated to enter information into this Debt Termination Data Base (DTDB).

### **Policy Governing DTDB Entries**

The following practices must be adhered to when entering debt/termination information into DTDB:

- 1) Debt/Termination information must not be entered into DTDB until an End Of Participation (EOP) action has been entered in PIC for the former participant.
- 2) Debt/termination information must be entered within 60 days from the EOP date.
- 3) Debt/termination information will be maintained in DTDB only up to a period of 10 years or the statute of limitations where the debt occurred.

- 4) Families who have never, or no longer, warrant being in the data base must be removed following HUD guidelines under Debts Owed to PHAs and Termination information.
- 5) Local programs may modify a tenant record only 3 times.
- 6) Debts should not be modified as payments are being made. The debt is to be removed only after being paid in full.

### **C. Policy Governing DTDB Entries**

Screening Families Through EIVs' "Former Tenant Search" Module Procedures governing use of the EIV "Former Tenant Search" module must include the following:

- 1) Prior to admission, local programs should query each adult household member's SSN to determine if a PHA has reported a debt or adverse termination
- 2) Former participants who owe debts to a PHA may not be admitted to the program until the debt is paid in full to the PHA that is owed the outstanding amount
- 3) Adverse Terminations should be denied assistance in accordance with PJCDA or HUD policy; and Families denied assistance due to information in DTDB must be provided with a copy of the Debts Owed & Termination report, and as with other denials, offered an informal review

### **D. Screening Families Through EIVs' "Former Tenant Search" Module**

Procedures governing use of the EIV "Former Tenant Search" module must include the following

- 1) Prior to admission, local programs should query each adult household member's SSN to determine if a PHA has reported a debt or adverse termination
- 2) Former participants who owe debts to a PHA may not be admitted to the program until the debt is paid in full to the PHA that is owed the outstanding amount
- 3) Adverse Terminations should be denied assistance in accordance with PJCDA or HUD policy 8) Families denied assistance due to information in Debt Termination Data Base (DTDB) must be provided with a copy of the Debts Owed & Termination report, and as with other denials, offered an informal review

### **E. ~~Mandatory Monitoring of EIV Reports~~**

~~The following EIV reports are monitored on a monthly basis:~~

1. ~~Deceased Tenants Report~~
2. ~~Identity Verification Report~~
3. ~~Immigration Report~~
4. ~~Income Validation Tool must also be run for Interim changes.~~

~~———— The following EIV reports are monitored on a quarterly basis:~~

1. ~~Multiple Subsidy Report~~
2. ~~New Hires Report~~

~~Copies of all reports and supporting documentation will be kept in files in the Administrators office.~~

#### ~~———— F. Income Discrepancy Resolutions~~

~~———— When the EIV income data differs from the participant-provided income data by at least~~

~~———— \$200.00 per month, this constitutes a "substantial difference."~~

~~———— In cases where the EIV income data is NOT substantially different than tenant-reported income, PJCDA will:~~

- ~~• use participant documents or third-party income verification to calculate anticipated annual income if the EIV income is less than current participant-provided documentation or~~
- ~~• use EIV income data unless the participant provides documentation of a change in circumstances when the EIV data is more than the current participant-provided documentation. If acceptable participant documentation is provided to justify a change in circumstances, the participant documents will be used to calculate income.~~

In cases where EIV income is substantially different than the participant-reported income, PJCDA will

- Request written third-party verification from the income source in accordance with 24 CFR 5.236(3)
- Review historical income data for patterns of employment, paid benefits, and/or receipt of other income when the LA cannot readily anticipate income such as in the cases of seasonal employment, unstable working hours and suspected fraud.
- Analyze all data and attempt to resolve the income discrepancy.
- Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

## **EIV Security Measures**

### **A. Handling of Discrepancy Reports**

- If a participant disagrees with the discrepancy report issued by the EIV system, a meeting will be scheduled by PJCDA and the participant to resolve the dispute. All details of the discrepancy report must be documented, and the participant will have 15 business days from the date of the meeting to obtain third-party verification of the discrepancy and submit supporting documentation. All participant provided information and submitted documentation should be dated not more than 60 days prior to the initial resolution meeting. Once the information is received from the participant, the PJCDA will review and make a final decision within ten business days from the date that the information was received from the participant.
- If a situation arises where facts indicate that a participant has not reported or has under-reported income, a repayment agreement will be executed between the participant and PJCDA. A revision to the current and future participant's PJCDAs must also be made. If a participant refuses to enter into a repayment agreement and/or refuses to pay the newly calculated rent, termination of assistance will occur using the established policies and procedures in accordance with PJCDA's Section 8 Administrative Plan.

## **B. Records Retention**

During the term of the assisted tenancy and for three years thereafter, PJCDA will retain the documents in the participant's file. EIV information must be destroyed three years from the End of Participation (EOP) unless there is pending litigation.

## **C. Disposal of Applicant and Participant Records**

All EIV documents must be destroyed at the end of the three-year retention period. They should be destroyed in a manner that would not compromise the confidentiality of the applicants and/or participants. The preferred method for destroying documents is by shredding.

## **D. EIV Security Monitor**

PJCDA has designated the Section 8 Administrator as the agency's "EIV Security Monitor." The agency's EIV Security Monitor will be responsible for

- ensuring that the minimal EIV security procedures outlined in this document are adhered to.
- Notifying HUD's EIV Officer currently it is robert.w.oliver@hud.gov. When staff is no longer employed with the agency, or a staff member who previously had access rights to the EIV system no longer has such rights.

## **E. Storage of EIV Documents**

- PJCDA maintains a lockable file cabinet, to store EIV documents that are: outdated and are destined to be destroyed; or printed but not yet placed in the participants' files.
- PJCDA maintains a list of said keys and who has access in the Executive

Directors' office.

**F. EIV Security Awareness Training**

- Applicants requesting EIV access must satisfy the required annual EIV Security Awareness Training before they can be approved for EIV access. In order to satisfy this requirement, an applicant must meet the following two conditions:
  - a) Applicants must watch the most recent HUD, EIV Security Awareness Training Webcast.
  - b) Applicants must confirm that they have watched the above-mentioned webcast by signing the applicable HUD issued EIV Webcast Training Certification form and submitting it to Administrator.

**G. Breach of EIV Security Policy**

Any breach of the EIV security policy should be immediately reported to the Section 8 Administrator immediately.



**RESOLUTION OF THE PORT JERVIS COMMUNITY DEVELOPMENT AGENCY  
(PJCDA), PORT JERVIS, ORANGE COUNTY, NEW YORK**

RE: PJCDA - HUD NY-134 – 2024 FIVE-YEAR PLAN AND ADMINISTRATIVE PLAN

WHEREAS, after public notice, the PJCDA Section 8 Program, placed paper copies of the draft 2024 Five-Year Plan and Administrative Plan in two city-owned publicly accessible buildings (134 Pike St., Recreation Center and 20 Hammond St. at the Port Jervis City Clerk's office) for public review; and

WHEREAS, the Program held a public hearing for review and comment upon the proposed 2024 Five-Year Plan and Administrative Plan; and

WHEREAS, no comments were received during the review period, at the public hearing (no member of the public present), or following the public hearing; and

WHEREAS, the Port Jervis Community Development Agency Board of Directors have had the opportunity to review and comment upon the proposed plans and have no additional comments or suggestions,

NOW, THEREFORE, BE IT RESOLVED THAT the Port Jervis Community Development Agency (PJCDA) Board of Directors does hereby approve the proposed 2024 Five-Year Plan and Administrative Plan for final formatting and transfer to the Department of Housing and Urban Development (HUD) for review, comment and ultimate approval for use by the PJCDA Section 8 program.

MOTION BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

AYES: \_\_

NAYS: \_\_

ABSTENTIONS: \_\_

Dated: June 26, 2024

**PORT JERVIS COMMUNITY DEVELOPMENT AGENCY**  
**DIRECTOR'S REPORT**  
**June 2024 – SUMMARY**

**FY 2014 Housing NOFA – AHC – June 2024 –** – Annual outreach to participant homeowners is due.

**NY RESTORE IV - \$120k to demo 6 city owned dwellings -**

**June 2024 –** Notice that the MWBE requirements were not met is being sent to NYS ESD resulting in 30% to be withheld. The project will then be moved through the closure process.

**NYS DEC WQIP – Land Acquisition**

**June 2024 –** Project 1 – Deerpark: Continuing - Two encroachments are being addressed, one of which will go through a lot line change. The solution to the other is TBD. Per NYS HCR, the \$158,066.04 in retained program income designated for the Project 1 match is to be expensed no later than 9/30/2024. Project 2 – Latini: the survey has been received and is in review. Two bids for the Phase 1 environmental site assessment were received.

**NYS DRI – Awarded 2/21/23 - \$10M** – Submitted on 9/23/22 –\$10M awarded on 2/21/23 – five-year term – end date is TBD.

**June 2024 –** a preliminary City staff meeting was held with Susan Landfried/NYS DOS on 6/17/24. Until contracts are sent and signed, no work may begin on the public projects. Resource planning and financial review may continue. Regarding Jersey Ave. and Riverside Park, before other grants are sought, engineering plans are recommended.

**USDA Forest Service Urban and Community Forestry** Inflation Reduction Act Notice – 9/14/23 announcement - \$1M (Census Tracts 22 – 23 – urban forestry plan implementation) with PJCCDA as partner to the Sustainable Forestry Initiative (SFI) <https://forests.org/>.

**June 2024 –** E.D. Maginsky provided revised budget to SFI. Edits are in process.

**RISC Technical Assistance Grants – 3 TA grants of up to \$200k each – submitted 11/1/23**

**December 2023 -** 1) Reservoir 1 Spillway and 24” Water Main, 2) Relocation of the DPW, Dial-A-Bus, Water Dept, 3) Centralized Firehouse RISC applications were submitted on 11/1/23. On 12/7/23, the City received a request to expand upon the effects of Hurricane Ida and to include relevant documentation of flooding, historical and otherwise. On 12/14/23, all three updates were sent. **January 2024 – No Change/February 2024 – none of the projects were awarded.**

**June 2024 –** 5/16/24 – RISC Exhibit A for Spillway and 24” Main under review by city staff.

**EV Chargers** – 1 Barclay St. by NYPA EVolve - \$1M-\$1.5M value

**June 2024 –** Initial archaeological results have been received and are under review. The relocation of the Hose 6's storage shed at 1 Barclay St. is under discussion.

**NYS DEC Technical Assistance Grant** – Drinking Water Source Protection Plan (DWSP2) – submitted 11/14/23, awarded 1/31/24, Accepted by PJCC 2/12/24.

**June 2024 -** 5/8/24 – a document review meeting was held with E.D. Maginsky, DPW and MHE. MHE will continue to collect GIS information. DPW Duryea provided paper copies to E.D. Maginsky for digitalization. – No Change

**FEMA Assistance to Firefighters Grant (AFG) –**

**June 2024 -** The online AFG application was submitted on March 5, 2024, for 58 SCBAs and 1 RIT-Pack. Project costs totaled \$617,444, with the local match estimated at \$29,402.10. Awards are announced on a rolling basis. Letters of Support were requested from Senators Gillibrand and Schumer. Their staff members were extremely responsive. Thus far, a LOS was received from Senator Gillibrand. This project will remain on this report until a decision is made.

**NYS Pro-Housing Communities Program** – sent to Mayor Decker's attention on 9/11/23 – Per NYS



Governor Hochul's E.O. #30: The Pro-Housing Communities Program provides a certification program for local governments that are taking action to support housing growth to address the housing shortage throughout the State. The program will certify participating communities, and those communities will receive a preference in the scoring/evaluation of certain discretionary funding grants. <https://hcr.ny.gov/pro-housing-community-program>.

**June 2024** – A Letter of Intent to apply was approved by PJCC resolution, submitted to and approved by NYS. E.D. Maginsky. She and Mayor Cicalese received invitations to register on the portal for document upload. A meeting will be held with Deputy Building Inspector Powrie regarding the information needed to complete the full application. A required Pro-Housing resolution is before the PJCC at the 6/24/24 meeting. Final registration before the 6/31/24 CFA deadline is expected to assist in scoring.

**Water Protection – June 2024** – On 6/24/24, upon OSI award, a resolution to confirm fund usage is before the PJCC.

**ESD RESTORE Round 8** – Application submission deadline: 5/22/24 by 3:00 p.m.

**June 2024** – E.D. Maginsky wrote and submitted the RESTORE Round 8 grant submission on 5/20/24 for \$2M on behalf of 29 Front St. This same project was subsequently awarded \$1.5M via the DRI. – No Change

**NYS CREST Grant** Application to Senator Skoufis' office, submitted on 3/26/24 for \$55k towards a PJFD Command SUV with the estimated balance of \$40k from the City. **June 2024** - On 5/2/24, E.D. Maginsky submitted the due diligence packet to DASNY - Project: 26878. A few questions arose on 5/22/24, which were directed to the Clerk's office. – No Change

**Federal Community Project Funding** - Congressman Patrick K. Ryan — **May 2024** – Application for \$825k towards the purchase of a new fire engine/pumper is one of 15 to advance for Congressional funding review.

**New – 2024 CFA Round Open – June 2024** – The City plans to submit a \$1.5M Community Development Block Grant (CDBG) public infrastructure request to NYS HCR for improvements to the water filtration plant. The resolution to submit, approval of DPW Director Duryea as Environmental Review Record Certifying Officer, and the resolution scheduling of the required public hearing for citizen participation on 6/24/24, were approved at the 6/10/24 PJCC meeting. Communications regarding requirements are in process with MHE. Other applications may be considered before the 7/31/24, 4:00 p.m. application deadline.

## **PROJECTS:**

**WWKP – July 2023** – At 6/15/22 PJ CC Special Meeting, it was decided to move forward with the WWKP permitting process. The estimated amount available from the 2017 bond for the WWKP is some \$50k-\$76k. E.D. Maginsky and then City Engineer Farr received an interested response from the firm AKRF with regards to the mitigation plan. Collection of updated reports for review are continuing. Recent outreach to Joseph Snaveley, Normandeau and Shane Sigel/ Riverwise resulted in responses. A meeting that included CDA Chairwoman Trovei, City Engineer Lamoreaux, E.D. Maginsky, and Mr. Snaveley was held on 6/26/23. At the 7/14/23 special PJCC DRI meeting, the Council indicated the desire to close this project. The final decision is TBD. – **December 2023– No Change through June 2024**

**FAIR HOUSING - July 2023** – August 2022 - E.D. Maginsky sent Mayor Decker emails regarding review of the City's Fair Housing policies. Awaiting response. December 2022 – E.D. Maginsky and Building Inspector Rivera attended the Fair Housing training session provided at the 12/7/22 Human Rights Conference in Newburgh, NY. As none of the required titled city positions (Mayor, Supervisor, Clerk, Planning Board Chair or Zoning Board Chair) attended this session required for OC CDBG funding, attendance at a Spring 2023 session will be required. – **December 2023– No Change through April 2024**

**June 2024** – a virtual Fair Housing training for City staff, committees and council members was approved by the PJCC.

The **At-Grade-RR Crossing Project** at Fowler and 4<sup>th</sup> St. is on indefinite hold. Additional work needs to be done with Metro North RR and NYS DOT before it may continue and before any public hearing is again requested. The project engineer, Peter Melewski's contract has been concluded. Note: A request for an at-

grade crossing in a high-speed area in Castleton-on-High was not approved after a public hearing where the RR's, NYS DOT and the Federal RR Administration were not in favor. – **June 2024** – No Change

**Neversink Watershed Management Plan – December 2023** – For more info go to the project website: <https://www.fudr.org/neversinkwmp> .

**June 2024** - A review meeting is scheduled in July 2024.

**The Upper Delaware River (UDR) Network Action Agenda** - Which encompasses the entire Delaware River and Neversink watershed reviewed its plan within which Port Jervis has projects on Tuesday, March 26, 2024. The group voted contingent upon further discussion with the DEC that the report be submitted with language changes. Otherwise, the writing group will come back to the Steering Committee for additional input. Once approved, the City may indicate affirmatively on future WQIP applications that the City has a Water Quality Improvement Plan Report. – **June 2024** - A review meeting is scheduled in July 2024.

**OCLT – Wilderness Campaign** to protect 35k acres in western OC

**April 2024** - On April 18, 2024, Mayor Cicalese, E.D. Maginsky, OCPJ Michael Ward attended the OCLT kickoff at #2 Bridge in Sparrowbush. – **May - June 2024 – No Change – This project will be removed from the July report until updates occur.**

#### **Communications/Outreach/Events (E.D. Maginsky unless otherwise noted)**

##### **June 2024**

5/31/24 – MHREDC Meeting – CFA Overview

6/11/24 - MHREDC – CFA Workshop – SUNY New Paltz

#### **AGENCY ADMINISTRATION – March 2023:**

- **A 45-page draft PJCDA employee manual** is under review by E.D. Maginsky the results of which will be presented to the Board for review in July 2024.
- A proposed **service contract** between the City and PJCDA will be drafted and provided for consideration in July 2024.
- The **2024 audit of the PJCDA** has been initiated with files uploaded to the portal. The on-site file review is scheduled for the week of 6/24/24.
- The **annual interest payments** to HUD were sent via wire.
- The **PJCDA Section 8 public hearing** regarding the 5-Year Plan and the Administrative Plan was led by Section 8 Administrator Nora Goetz on 6/11/24. No member from the public attended.
- Before final formatting and transfer to HUD, the **Section 8 Administrative Plan and 5-Year Plan are before the Board for approval.**
- For Board review under financials: 1 - for advertisement is an **independent contractor inspector job description and suggested rate of pay** and, 2 - the **results of shredding company quotations with selection recommendation.**
- Re: **ACH payments** to landlords application will progress with the approval of the May 2024 PJCDA board meeting minutes naming Chairwoman Trovei as Authorized Administrator.
- **June 28, 2024, marks Jacqueline Bennett's fifth year with the PJCDA.**