Tenant Based Rental Assistance (Sandy Voucher)

1. Program Description

A. Allocation for Activity
$32,000,000

B. Program overview (including intended program goals)
The Department of Community Affairs (DCA) is committed to increasing the availability of affordable rental units and to addressing the needs of individual households requiring rental assistance as a result of Superstorm Sandy. Using Community Development Block Grant Disaster Recovery (CDBG-DR) funds, under its Social Services Program in its Action Plans, the State developed a program to provide tenant-based rental assistance for households impacted by Sandy. The program was established within Section 4.5.2 Supportive Services Program of the State’s CDBG-DR Action Plan under an activity designed to prevent homelessness among low income residents in counties impacted by Superstorm Sandy.

The Sandy Tenant-Based Rental Assistance Program (Sandy TBRA Program) will provide up to 24 months of tenant-based rental assistance to eligible households. HUD issued waivers on July 11, 2014 and on April 2, 2015 approving the use of the CDBG-DR funds for this purpose and timeframe. $15 million of program funding will be set aside for residents at or below 30% of Area Median Income. For the balance of funds priority will be given to the lowest income applicants.

2. Method of Distribution

A. Eligible Applicants
Low and moderate-income (LMI) households, those with incomes at or below 80% of the Area Median Income, who are legal residents of the United States, are eligible. This includes noncitizens who are “qualified aliens”. Qualified aliens are defined as:

- Legal Permanent Residents (an alien admitted for lawful permanent residence (LPR));
- Refugees (an alien who is admitted to the United States under Section 207 of the Immigration and Nationality Act (INA));
- Asylees (an alien who is granted asylum under INA Section 208);
- An alien who is paroled into the United States (under INA Section 212(d)(5)) for a period of at least one year;
- An alien whose deportation is being withheld on the basis of prospective persecution (under INA Section 243(h) or Section 241(b)(3));
- An alien granted conditional entry pursuant to INA Section 203(a)(7) as in effect prior to April 1, 1980; and
- Cuban/Haitian entrants (as defined by P.L. 96-422)
A household will qualify as an eligible applicant in the event the head of household or spouse has eligible immigration status.

Eligible household must have income at or below 80% of the Area Median Income. As indicated above, there is also a preference for households at 30% of area median income.

All applicants must demonstrate a tie to Superstorm Sandy in order to be eligible for the program. A tie to Sandy may be demonstrated in any of the following ways:

- Documentation that the household was displaced by Superstorm Sandy due to damage to their home or rental unit; OR
- Were directly impacted by Superstorm Sandy and previously received rental housing assistance from FEMA and the rental subsidy or rental unit are no longer available; OR
- Lived in one of the nine most impacted counties; Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union counties on October 29, 2012 and demonstrated to be at risk of homelessness or currently homeless.

Assisted households may not also be currently assisted by other forms of rental assistance which already reduces their housing payment to at or below 30% of monthly income (such as Section 8).

B. Eligible Locations and properties (if applicable)
Tenants receiving Sandy TBRA assistance must use the rental assistance in units that are inspected prior to approval and annually thereafter. The units must:

- Meet Section 8 Housing Quality Standards and, for units built prior to 1978, are in compliance with HUD's Lead Safe Housing Rule (24 CFR Part 35);
- Rent for a reasonable amount, compared to rents charged for comparable units; and
- Are not receiving another form of rent subsidy

C. Eligible Beneficiaries (if applicable and different than applicants)
See A above – “Eligible Applicants.”
D. **Program targeting (including if there is an LMI preference or it has a residency or nine counties requirement)**

All applicants must have incomes at or below 80% Area Median Income. There is also a program set-aside for households at or below 30% of Area Median Income.

E. **Summary of How Funds are Distributed and Application process**

Electronic intake forms will be accepted from January 5, 2015 to 5:00 pm on April 6, 2015. All completed intake forms electronically submitted on time will be entered into a database and lottery system will be used to randomly select approximately 1,000 households.

DCA staff drafts and mails out a letter and application packet in English and Spanish to the applicants selected via the lottery system. Applicants will complete a paper application and mail back the application packet to DCA staff within 14 days. DCA staff reviews the application to determine the household’s income eligibility using the Section 8 method as prescribed in DCA’s *Housing Choice Voucher Program Administrative Plan (Plan) Appendix A*. At the same time staff orders and reviews a criminal background check on the applicant.

An applicant’s income eligibility will be verified and documented by DCA staff annually. The required documentation for eligibility is included in DCA’s *Administrative Plan*.

If the applicant does not remit a completed application package within the required 14 days, the staff will contact the applicant to determine if they need assistance to complete the application package and/or secure the necessary documentation. They will also assist the applicant to submit additional information and/or clarify any defects in the initial application. Once the applicant is deemed eligible they will be scheduled or a briefing at a local Field Office.

If the applicant does not provide all of the required information after being contacted at least twice by staff, they will be sent a letter telling them that they have been moved to the waiting list and will be re-contacted if funding is available after all eligible applicants have been served.

Once the application cycle is closed and DCA staff has reviewed all applicants for eligibility, the approved applications are sent to the appropriate Field Office.

Field Office staff schedules and conducts a briefing with the applicant and enters the household information into Housing Pro; the subsidy is determined; and a voucher is issued. Either Field Office staff or Housing Counselors assist voucher holders to locate a unit using HMFA’s Housing Resource Center. Residents impacted by Hurricane Sandy will receive priority for units developed by HMFA with CDBG-DR funds.

F. **Appeal Process:**
If an applicant completed the application but did not meet the criteria for the program they are deemed ineligible. The Program Manager sends a letter to the applicant stating they're ineligible and providing them with an opportunity to file an informal appeal. The applicant will be given 15 days from the date of the letter to file an appeal. All appeals received on time will be reviewed by the Administrator of the Housing Assistance Programs and a determination letter will be mailed out within 10 days.

Once enrolled in the program, DCA retains the right to terminate assistance for a participant if the household fails to adhere to the “Obligations of the Household” contained in the Sandy Tenant-Based Rental Assistance Voucher program requirements.

Reasons for program ineligibility include:
- Household is over 80% of Area Median Income;
- Household failed to sign and submit the consent to release information form;
- The head of the household or spouse does not establish citizenship or eligible immigration status;
- Any member of the family has been evicted from Federally-assisted housing in the last three years;
- Any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with the Sandy Tenant-Based Rental Assistance Program or another State administered housing assistance program; or
- Family currently owes a financial obligation to the DCA in connection with any other housing assistance program administered by the Department.

Reasons for program termination include:
- Household was evicted for a serious violation(s) of the lease;
- Family breaches a repayment agreement to pay amounts owed to DCA;
- Family has engaged in or threatened abusive or violent behavior toward DCA personnel;
- Family is absent from the assisted unit for a period of more than 180 consecutive calendar days; or
- Any member of the family has been convicted of:
  - a drug-related criminal activity, which includes both drug trafficking and illegal use or possession of drugs whether in the unit or elsewhere on or near the premises;
  - a violent criminal act, other criminal activity that threatens the health, safety, and right to peaceful enjoyment of property by other tenants or the health and safety of the property owner.

Prior to any adverse action, there is an opportunity for an informal hearing to ensure that due process is afforded to the participant.
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