

RESOLUTION #2020-18

ESTABLISH ADDITIONAL PREFERENCE POINTS FOR HOMELESS AND DISABLED VETERANS WHILE REALIGNING OUR PREVIOUS PREFERENCE POINT STRUCTURE

WHEREAS, the New Jersey Administrative Code § 5:40-2.2 requires public housing authorities and redevelopment agencies enact preferences that provide priority to homeless and disabled veterans over all other applicants; and

WHEREAS, the HPHA's current preference structure provides one (1) point to all veterans, as well as one (1) point to homeless families and one (1) point to working families, whereas those applicants eligible for the residency preference are afforded five (5) points; and

WHEREAS, the NJ Administrative Code now requires that the greatest priority be given to Veterans who are both homeless and disabled, followed by those Veterans who are homeless and then those who are disabled; and

WHEREAS, ensuring that homeless and disabled Veterans receive priority over all other applicants requires us to restructure our entire preference schematic and amend our Administrative Plan accordingly; and

WHEREAS, the new preference point assignment will be 6 points to a homeless and disabled veteran; 5 points to a homeless veteran; 4 points to a disabled veteran; 3 points to a Highland Park Borough resident; 1 point to a veteran/active serviceperson who is neither homeless nor disabled; 1 point to a working family, and 1 point to a homeless family; and

WHEREAS, a public notice was issued on March 26, 2020 allowing the public a 30-day comment period regarding this proposed amendment; and

WHEREAS, all public comments received have been considered.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the Borough of Highland Park, New Jersey, that the Highland Park Housing Authority, effective upon adoption of this resolution, will incorporate into its administrative plan (see highlighted copy of proposed change attached) the 6 points to a homeless and disabled veteran; 5 points to a homeless veteran; 4 points to a disabled veteran; 3 points to a Highland Park Borough resident; 1 point to a veteran/active serviceperson who is neither homeless nor disabled; 1 point to a working family, and 1 point to a homeless family restructured preference point schematic that will ensure homeless and disabled veterans receive priority above all other applicants.

Motion moved by Commissioner Sedehi and seconded by Commissioner Reh to adopt Resolution #2020-18.

ROLL CALL: Hope Martinez Methven Rainwater Reh Sedehi
AYES: Hope Martinez Methven Rainwater Reh Sedehi
NAYS: None
Abstain: None
Absent: None

I hereby certify that the above is a true and exact copy of the Resolution #2020-18 adopted by the Board of Commissioners of the Housing Authority of the Borough of Highland Park at their Regular Meeting of May 14, 2020.

Terrence Corrison, Esq.

Donna F. Brightman, Secretary

PUBLIC NOTICE

Intent to Change the Assignment of Preference Points Congruent with Placement on the Highland Park Housing Authority Waiting List

Contingent upon New Jersey Administrative Code § 5:40-2.2, which requires that Veterans who are homeless, disabled or both be provided with priority over **all** other applicants whenever waiting lists of public housing authorities, or redevelopment agencies are open to accept applications for housing or subsidy vouchers, the Housing Authority of the Borough of Highland Park is hereby providing 30-day notice of its intent to revise its Administrative Plan adjusting the preference points provided to all eligible applicants.

Anyone wishing to make a comment regarding this plan may do so in writing by no later than April 15, 2020. Comments should be addressed to The Woodbridge Housing Authority, Attention Elizabeth Noll at 800 B Bunns Lane, Woodbridge, NJ 07095, or to Ms. Noll's email enoll@woodbridgehousingauthority.org.

N.J. Admin. Code § 5:40-2.2

Section 5:40-2.2 - Housing preference; public housing authorities and redevelopment agencies

(a) Housing projects operated by a public housing authority created pursuant to *N.J.S.A. 40A:12A-17*, by a public housing authority acting as a redevelopment agency authorized pursuant to *N.J.S.A. 40A:12A-21*, or by a redevelopment agency created pursuant to *N.J.S.A. 40A:12A-11*, shall provide for a housing preference for veterans and surviving spouses as set forth in this subsection.

- 1.** For existing housing projects or housing vouchers administered by a public housing authority or redevelopment agency, where an open waiting list for housing units exists, or where such a list is opened or reopened in the future to accept additional applications, a preference must be created for veterans and surviving spouses. These preferences shall take priority over all other preferences.
- 2.** For future housing projects or housing vouchers undertaken by a public housing authority or redevelopment agency, a housing preference must be created for veterans and surviving spouses. These preferences shall take priority over all other preferences.
- 3.** Within the preference for veterans and surviving spouses, a public housing authority or redevelopment agency shall provide a priority to applicants in the following order:
 - i.** Veterans who are both homeless and disabled;
 - ii.** Homeless veterans; and
 - iii.** Disabled veterans. The preference for disabled veterans shall include family members who are the primary residential caregivers to such veterans and who are residing with them.
- 4.** Veterans and surviving spouses must meet all eligibility criteria for a housing project or housing voucher.

N.J. Admin. Code § 5:40-2.2

Adopted by 50 N.J.R. 152(a), effective January 2, 2018

4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

The New Jersey Administrative Code § 5:40-2.2 requires that Veterans who are homeless, disabled or both be provided with priority over all other applicants whenever waiting lists of public housing authorities, or redevelopment agencies are open to accept applications for housing or subsidy vouchers. In order to comply with this requirement, the preference categories and point assignment will be adjusted to comply.

HPHA Policy

The HPHA will offer a preference and selection from the waiting list will be prioritized according to the following list. Selection from the list shall be made without regard to race, creed, color, religion, sex, handicap, national origin, familial status, or sexual orientation.

Homeless and Disabled Veteran's Preference, Homeless Veteran's Preference, Disabled Veteran's Preference, Residency Preference, Non-homeless Non-disabled Veteran/Active Serviceperson Preference, Working Family Preference, (This preference is also afforded to any senior or disabled family), and Homeless Preference.

Criteria to be applied for the local preferences are described in the following paragraphs.

Homeless and Disabled Veteran Preference

This preference applies to applicants who are veterans that are both homeless and disabled. "Veteran" shall mean:

- A head of household;
- A spouse of the head of household;
- A divorced spouse of an individual;

- A widow of an individual; or
- A widower of an individual.

who has been honorably discharged from a branch of the military service of the United States of America or is a reservist or a National Guardsman, after serving at least 182 consecutive days, and whose discharge can be confirmed by submission of a Department of Defense (DoD) Form 214. The discharge must be classified as “general” or better.

This preference category is worth 6 points.

Homeless Veteran Preference

This preference applies to applicants who are veterans that are homeless. “Veteran” shall mean:

- A head of household;
- A spouse of the head of household;
- A divorced spouse of an individual;
- A widow of an individual; or
- A widower of an individual.

who has been honorably discharged from a branch of the military service of the United States of America or is a reservist or a National Guardsman, after serving at least 182 consecutive days, and whose discharge can be confirmed by submission of a Department of Defense (DoD) Form 214. The discharge must be classified as “general” or better.

This preference category is worth 5 points.

Disabled Veteran Preference

This preference applies to applicants who are veterans that are disabled. “Veteran” shall mean:

- A head of household;
- A spouse of the head of household;
- A divorced spouse of an individual;
- A widow of an individual; or
- A widower of an individual.

who has been honorably discharged from a branch of the military service of the United States of America or is a reservist or a National Guardsman, after serving at least 182 consecutive days, and whose discharge can be confirmed by submission of a Department of Defense (DoD) Form 214. The discharge must be classified as “general” or better.

This preference category is worth 4 points.

Residency Preference

This preference applies to applicants who are residents of the HPHA's jurisdiction. "Resident" shall mean a person who currently lives, works, or has been hired to work within the HPHA's area of jurisdiction. This preference category is worth 3 points.

Veteran/Active Serviceperson Preference

This preference applies to applicants who are veterans or active servicepersons who are neither homeless or disabled. "Veteran" shall mean:

- A head of household;
- A spouse of the head of household;
- A divorced spouse of an individual;
- A widow of an individual; or
- A widower of an individual.

who has been honorably discharged from a branch of the military service of the United States of America or is a reservist or a National Guardsman, after serving at least 182 consecutive days, and whose discharge can be confirmed by submission of a Department of Defense (DoD) Form 214. The discharge must be classified as "general" or better.

"Active Serviceperson" shall mean an individual currently serving in a branch of the military forces, including a reservist or National Guardsman, to the United States of America and who has served at least 182 consecutive days. This preference category is worth 1 point.

Working Family Preference

This preference is provided to families where the head, spouse, or co-head is gainfully employed for a minimum of 21 hours per week. This preference is afforded to all elderly and disabled families. This preference category is worth 1 point.

Homeless Preference

This preference is provided to families who are homeless, which is defined by HUD regulation as families lacking a fixed, regular and adequate applicants lacking a fixed, regular, or adequate nighttime residence. This would include:

1. Persons whose primary nighttime residence is a publicly or privately operated shelter or hotel/motel, institutionalized persons and persons regularly spending their nights in public or private places that are not ordinarily used as regular sleeping accommodations for human beings. A homeless family does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a State law or persons living with family members. The documentation that will serve as proof of homeless status includes letters from a social service agency/shelter or hotel/motel receipts.
2. Those who face imminent loss of their primary nighttime residence. A court documented eviction notice, or documentation that a family's dwelling has been destroyed, or is scheduled for demolition.
3. Those who are unaccompanied youth and homeless families with children and youth who are defined as homeless under other federal laws who do not otherwise qualify as homeless under the definition. Certified documentation must be presented for review by the ED.
4. Those who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against them that has either taken place within their primary nighttime residence, or has made them afraid to return to their primary nighttime residence, and who have no other residence and lack the resources or support networks to obtain other permanent housing. Applicant must supply supporting police reports, or other substantial documentation to support this claim.

This preference category is worth 1 point.

A family not residing in a shelter can receive the preference for homelessness if they are able to provide documentation from a local, county, state, or federal agency that their residence was lost as a result of any of the following:

- Disaster such as fire or flood, resulting in extensive damage or destroying the unit;
- An activity carried on by an agency of the United States or State or by a local governmental body or agency in connection with code enforcement , of public improvement, or development program;
- Family members have provided information on criminal activities to a law enforcement agency and based on a threat assessment, the law enforcement agency recommended re-housing the family to avoid or minimize a risk of violence against the family members as reprisal for providing such information;
- The applicant has vacated a housing unit because one or more members of the applicant's family have been the victim of one or more hate crimes. The hate crime(s) must be recent (within the last three years) or is of a continuing nature. The definition of a hate crime is actual or threatened physical violence or intimidation that is directed against a person or his/her property and that is based on the

person's race, color, religion, sex or sexual orientation, national origin, handicap, or familial status;

- An action by an owner which resulted in the applicant having to vacate his/her unit, where:
 1. The reason for the owner's action was beyond the applicant's ability to control or prevent.
 2. The action occurred despite the applicant having met all previously imposed conditions of occupancy.
 3. The action was taken for a reason other than a rent increase.

An applicant will be afforded this preference if he/she is not living in a safe, standard housing unit at the time of admission to the program. Temporary residence with family members or friends does not qualify a family as homeless.

Persons residing with extended family members will not be afforded the homeless preference unless there are mitigating circumstances that the Executive Director feels warrants such preference.

The HPHA also awards a preference point to applicants who are 62 years of age or older applying for the Senior/Disabled buildings owned by the HPHA. This additional preference category is described in the chapter regarding PBV's as it was instituted upon the demise of our Designated Housing Plan and only applies to applicants for those buildings.

Preference Certification

Certification as to the situation that qualifies a family for a local preference shall be required during the application process.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV program during the HPHA's fiscal year. ELI families are those with annual incomes at or below 30% of the area median income. To ensure this requirement is met, the HPHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].