

## **Waitlist Information**

Please note, our waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file;
- Applicant Name;
- All applicants will be maintained in order of bedroom size, (number of bedrooms applicant qualifies for under Housing Authority standards); elderly/disabled; racial or ethnic designation of head of household, preference(s) claimed by applicant; and then in order of date and time of application.
- Any contracts between the Housing Authority and the applicant will be documented in the applicant file.
- NCHA will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the interested families for whom the Housing Authority has current information, i.e. applicant's address, family composition, income category and preference
- NCHA will not remove an applicant's name from the waiting list unless
  - ✓ The applicant requests in writing that the name be removed;
  - ✓ The applicant fails to respond to a written request for information or a request to declare their continued interest in the program; or
  - ✓ The applicant does not meet either the eligibility or suitability criteria for the program.

## **NCHA Notification of Negative Action**

Any applicant whose name is being removed from the waiting list will be notified by the Housing Authority, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. NCHA system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, NCHA will verify that there is in fact a disability and the disability caused the failure to respond and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of denial.

## **Grounds for Denial**

- NCHA is not required or obligated to assist applicants who:
- Do not meet anyone or more of the eligibility criteria;
- Do not supply information or documentation required by the application process;
- Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- Have a history of not meeting financial obligations especially rent;
- Do not have the ability to maintain (with assistance) their housing in the decent and safe condition where such habits could adversely affect the health, safety, or welfare of the other tenants;
- Have a history of disturbing neighbors or destruction of property;

- Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived therefrom;
- Were evicted from assisted housing for any reason within five years of the projected date of admission;
- Have engaged in or threatened abusive or violent behavior towards any NCHA staff or residents;
- Have a household member who has ever been evicted from Federally Assisted housing;
- Have a family household member who has been terminated under the voucher program;

**NCHA will or may also prohibit/deny admission of an applicant for the following reasons:**

- NCHA will prohibit admission of an applicant for five years if any household member was evicted from federally assisted housing for drug-related criminal activity. The five years begins on the date of eviction.
- NCHA, may as its discretion, admit such household if the person has successfully completed an approved supervised drug rehabilitation program or if the circumstances leading to the eviction no longer exist.
- NCHA will permanently prohibit/deny admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- NCHA will prohibit admission if any household member is currently engaging in illegal drug use or if the Housing Authority has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- NCHA may require each applicant (all adult household members) to sign one or more consent forms that request any drug treatment facility to inform the Housing Authority whether the drug treatment facility has reasonable cause to believe that the household member is currently engaging in illegal drug use. NCHA is not required to seek such information and is not liable for damages for failing to seek such information.
- The household members consent forms shall expire and be destroyed no later than five business days after NCHA makes a final decision to approve or disapprove admission or after final disposition of any litigation.
- If the drug treatment facility charges a fee for the information, the Housing Authority is prohibited from passing such costs to the applicant.

**NCHA Informal Review**

If NCHA determines that an applicant does not meet the criteria for receiving public housing assistance, NCHA will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision; state that the applicant may request an informal review of the decision within 10 business days of the denial, and include a copy of NCHA's Informal Review Procedures.

After a review date is agreed to, the applicant may request to reschedule only upon showing "good cause," which is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the applicant.

**NCHA's Informal Review Procedures are as follows:**

- The informal review may be conducted by any person designated by NCHA, other than a person who made or approved the decision under review or subordinate of this person.

**Applicants have the right to:**

- Present written or oral objections to the NCHA's determination; Examine the documents in the file, which are the basis for the Housing Authority's action;
- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issue of the review;
- Request that NCHA staff be available or present at the review to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at his or her own expense.

If the applicant requests copies of documents relevant to the review, NCHA will make the copies and assess a charge per copy based upon the current fee schedule. In no case will the family be allowed to remove the files from the Housing Authority's office.

**NCHA has a right to:**

- Present evidence and any information pertinent to the issue of the review;
- Be notified if the applicant intends to be represented by legal counsel, advocate or another party;
- Examine and copy any documents to be used by the applicant prior to the review; Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present or on call during the Review Process.

The review shall concern only the issue(s) for which the applicant has received the opportunity for review. Evidence presented at the review may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the review, if requested by the other party. "Documents" include records and regulations.

The person conducting the review may ask the family for additional information and/or might recess the review in order to reconvene at a later date, before reaching a decision.

The persons conducting the review will determine whether the decision of NCHA is in accordance with HUD regulations and Housing Authority Policy. Factual determinations relating to the individual circumstances of the applicant will be based on preponderance of the evidence presented at the review.

NCHA must notify the applicant of its final decision within 14 calendar days after the informal review, including a brief statement of the reason(s) for the final decision.

The participant family may request NCHA an Informal Hearing after the family has received notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal

to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

NCHA may prohibit admission if any household member is currently engaged in or has been engaged in during a reasonable time before application for admission (within 5 years) certain other criminal activity, including, but not limited to, other drug-related criminal activity (involving the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance), violent criminal activity, other criminal activity which may threaten the health and safety of residents or persons residing in the immediate vicinity, owners or owners' employees, contractors or agents, or that would threaten residents right of peaceful enjoyment of the premises.

NCHA will prohibit admission of a household that has a member who is subject to lifetime registration as a sex offender under a State registration program.

NCHA will carry out sex offender's registration checks in the State of New Jersey and any state in which the members of the applicant household are known to have resided.

NCHA will prohibit admission if there is a reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety or peaceful enjoyment of the premises by other residents.

NCHA may consider participation or completion of a supervised drug rehabilitation program if denial of admission is based on illegal use of drugs or alcohol abuse and the family member is no longer engaged in using the substance.

NCHA may require the applicant to submit verification of rehabilitation.

### **NCHA Discretion**

NCHA may consider in accordance with its policies, practices, and procedures, factors that might indicate reasonable probability of favorable future conduct. Examples include evidence of rehabilitation or evidence of participation in or willingness to participate in counseling.

NCHA may target only household members whose criminal records indicates prior arrests or conviction for activities that may be a basis for denial of assistance, or whose prior tenancy records show that the person has engaged in destruction of property, violent activity toward another, or has interfered with the peaceful enjoyment of other residents.

The Housing Authority may consider all relevant information, including

- an applicant's past performance;
- records of disturbances of neighbors or housekeeping habits, or behaviors that may adversely affect other residents;
- history of criminal activity, especially crimes of physical violence.

If NCHA receives unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct, (including the seriousness of the offense).

Such consideration may include evidence of rehabilitation and evidence of the family's willingness to participate in social service or other counseling programs.

If a household member has committed acts that would require denial of admission, the Housing Authority may require the household to exclude the offending family member in order to be eligible for admission to the program.

Where a statute requires the Housing Authority to prohibit admission for a prescribed time after some disqualifying behavior, the Housing Authority may choose to continue the prohibition for a longer period of time.

The Housing Authority's admission actions must be consistent with fair housing and equal opportunity provisions.