

# **Tenant Based Rental Assistance (TBRA) Program Policy**

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Version 1.1



DIVISION OF  
**Disaster Recovery  
& Mitigation**

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## Version History and Version Policy

The version history of the policy manual is tracked in the table below, with notes for each change. The dates of each publication are also tracked in the table.

The State will publish a new version after making substantive changes that reflect a policy change. The updated policy manual will be assigned a new primary version number such as 2.0, 3.0, etc.

After making non-substantial changes, such as minor wording and editing or clarification of existing policy that do not affect the interpretation or applicability of the policy, the State will publish a version of the document with a sequential number increase behind the primary version number such as 2.1, 2.2, etc.

Amendments made to policy may go into effect on the date of the revision or may be applied retroactively, depending on the applicant pipeline and status of applicants in the program intake and recovery process. Whether a policy will be applied proactively or retroactively will be detailed in the version history below and/or within the relevant program sections.

Version Number	Date Revised	Key Revisions
1.0	February, 2023	Original Draft
1.1	May, 2024	Updated interchangeability language and Geographic Eligibility of Ida and Sandy in section 1.3 Program Funds and 1.4 Program Eligibility

## 1. OVERVIEW

### 1.1 Policy Statement

This document is intended to provide a broad policy overview of key components of the Tenant-Based Rental Assistance (TBRA) Program established in the Hurricane Ida Action Plan.

### 1.2 Program Description

Through the Tenant-Based Rental Assistance Program (“the program”), the State of New Jersey (“the State”) will supplement rental housing costs for families impacted by Hurricane Ida. Pending approval from the U.S. Department of Housing and Urban Development (HUD) the program provides up to 24 months of intermediate rental assistance to families working toward their complete recovery. The program will use a funds set-aside structure to ensure low-income households are served as well as moderate-income households.

### 1.3 Program Funds

#### 1. 1.3.1 Tropical Storm Ida CDBG-DR

The funding for TBRA is provided through HUD’s Community Development Block Grant Disaster Recovery (CDBG-DR) Program, as appropriated by Congress. Funding for 2021 disasters was appropriated by the Extending Government Funding and Delivering Emergency Assistance Act of 2021, Division B, the Disaster Relief Supplemental Appropriations Act of 2022, Public Law 117-43. CDBG-DR grants are authorized under Title I of the Housing and Community Development Act of 1974 (HCDA) for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster.

On September 30, 2021, President Biden signed Public Law 117-43 directing \$5 billion to the U.S. Department of Housing and Urban Development for recovery from disasters in 2020 and 2021. HUD allocated \$228.346 million in CDBG-DR to the State of New Jersey as a result of Tropical Storm Ida that impacted the state from September 1-3, 2021. Alternative requirements and waivers for the use of CDBG-DR funds are published in the applicable Federal Registers, including [87 FR 31636](#).

#### 1.3.2 Superstorm Sandy CDBG-DR

HUD allows states to use remaining funds from other disasters to address current disaster needs in the areas that were impacted by both disasters. This means the State can leverage unused Superstorm Sandy funding to help address Tropical Storm Ida needs in these overlapping Sandy impacted counties:

- Bergen
- Essex
- Hudson
- Middlesex
- Union
- Gloucester
- Hunterdon



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- Mercer
- Morris
- Warren

Superstorm Sandy Substantial Action Plan Amendment 48 (APA 48) reallocates Superstorm Sandy Recovery CDBG-DR funds to certain Ida recovery programs. This document includes the rules and requirements for both the Ida and the Sandy funds. Superstorm Sandy Substantial Action Plan Amendment 56 (APA 56) clarified the counties that were eligible to utilize Superstorm Sandy funds by including state designated most impacted areas. The use of Sandy funding is limited to assist with recovery from Hurricane Ida in counties that were determined by HUD and the State to be most impacted both in the aftermath of Superstorm Sandy and Hurricane Ida. This document will indicate if there are specific limitations around the use of Sandy funding for Ida recovery.

## 1.4 Program Eligibility

TBRA program cost eligibility is as follows: Public Services: Section 105(a)(8); Rental Payments: 24 CFR 570.207(b)4; applicable waivers identified in the Allocation Announcement Notice and Consolidated Notice (87 FR 31636), other applicable waivers or alternative requirements.

### 1.4.1 Geographic Eligibility

Only residents currently living within or who were residing in the following jurisdictions at the time of Hurricane Ida will be eligible:

- ▶ HUD-identified MID counties impacted by Ida only: Passaic and Somerset.
- ▶ State-identified overlapping MID counties impacted by both Sandy and Ida (up to 20% of program funds): Gloucester, Hunterdon, Mercer, Morris, and Warren.
- ▶ HUD-identified overlapping MID counties impacted by both Sandy and Ida (program funds include Sandy CDBG-DR-funds): Bergen, Essex, Hudson, Middlesex, and Union.

## 1.5 National Objective

The program will use the low- and moderate-income persons and households housing (LMI-housing) national objective. It will use the urgent need objective for households whose income is 81-120% of AMI.

## 1.6 Program Administration

The State estimates that the program will launch in the first quarter of 2023 and will be directly administered by DCA.

### 1.6.1 Roles and Responsibilities

#### 1.6.1.1 Department of Community Affairs

DCA is responsible for the management and oversight of the funds and is accountable to HUD. DCA will determine eligibility and provide the services.



## 1.6.1.2 Housing Counseling Agencies

Housing counseling agencies will be responsible for assisting applicants to the program with submitting applications and providing housing information and referral services, housing counseling, and education on related topics, as needed.

Housing information and referral services and housing counseling and education topics include, but are not limited to: HUD rental and rent subsidy programs; other federal, state, or local rental assistance; fair housing; housing search assistance; landlord tenant laws; lease terms; rent delinquency; budgeting for rent payments; and providing assistance with locating alternate housing. Partnering with other housing counseling, nonprofit, and social service organizations, agencies will make a concerted effort to engage with the hardest to reach, most vulnerable populations: those who may have become homeless or are at risk of homelessness as a result of the disaster.

## 1.6.1.3 Legal Services Organizations

At the direction of the prime housing counseling agency, legal services organizations will assist those program participants who require legal services to overcome barriers to achieving permanent housing.

## 1.6.1.4 Community-Based Organizations

Community-based organizations (CBO) will provide services to applicants/program participants referred to them by housing counseling agencies. These organizations can help renters locate, secure, or maintain rental housing and provide essential wraparound services to ensure stable housing for individuals and families who are precariously housed. CBOs will assist in conducting outreach and engagement to facilitate connections with vulnerable populations.

## 1.6.2 Outreach

Outreach efforts will provide information regarding and access to free housing counseling services in each of the sixteen (16) impacted counties. Housing counselors will be available to assist applicants in applying for the program.

The program will use [HUD's Racial and Ethnically Concentrated Areas of Poverty \(RECAP\)](#) mapping tool, EPA's Environmental Justice Screening and Mapping Tool (EJScreen), and HUD's Affirmatively Furthering Fair Housing mapping tool to identify segregation trends, areas of concentrated poverty, disparity in housing needs and access to opportunity, and the location and tenant characteristics of publicly supported housing within the HUD- and State-identified MIDs.

The program will provide outreach materials in multiple languages to ensure language access for limited English proficiency ("LEP") populations. Housing Counseling Agency staff will utilize the "I Speak" cards as well as the Language Line provided by DCA to ensure full access to any LEP applicant.

Program information can be found on [DCA's website for disaster recovery](#).



## 2. APPLICATION PROCESS

### 2.1. Set-Aside Structure of Funds

The program has set aside funding for LMI income groups to ensure the program serves extremely low income (ELI) households (i.e., those at or below 30% of AMI) and to meet the requirements of the Action Plan. On a quarterly basis, the program will assess the set-aside amounts and adjust them as needed to ensure funds are distributed in a timely manner, as well as to meet the goals of using 70% of funding to benefit LMI households and spending 80% of funding to meet unmet needs in HUD-identified MID counties.

### 2.2. Set-Asides by Income Groups

The program has set-aside amounts to benefit specific income groups. Only households who meet the general program eligibility criteria and whose gross annual income falls within the listed range will be eligible for the portion of the funding set aside for that group.

Income Group	Percentage of Total TBRA Funding
0-30% AMI (ELI)	50%
31-80% AMI	40%
81-120% AMI	10%

DCA may adjust the amounts to meet CDBG-DR requirements and/or needs of the applicants.

### 2.3. Equal Access

The program will ensure equal access to critical information for all protected classes. The program will ensure that all federal and State protected classes, as well as other qualifying renters who are unstably housed as a result of the disaster, have equal access to program assistance to achieve safe, permanent housing. This program also will provide critical supportive services to vulnerable populations through housing counseling, housing information and referral services, and legal services. These supportive services will assist the program in addressing and removing barriers to outreach and program services such as language access, mobility, literacy, visible and invisible disabilities, and learning and understanding capacity.

All partner organizations will follow the State's [Language Access Plan \(LAP\)](#), and the program will continue to provide resources in multiple languages to improve access to affordable housing. The State will provide information regarding affordable rental and homeownership opportunities through the [New Jersey Housing Resource Center](#). This site provides an online resource to locate affordable/accessible housing. It is free to use, and searches can be conducted in multiple languages.



## 2.4. Application Intake

### 2.4.1. Pre-Application

The following information will be requested for the pre-application:

- ▶ Applicant's name, full address, phone number
- ▶ Name, sex, age and social security number for all household members including head of household
- ▶ Housing status of being displaced, currently unhoused or living in substandard housing
- ▶ Annual income of all household members including wages, salaries and tips; other income such as alimony, child support, and Social Security, AFDC or other benefits.
- ▶ Race (optional)

### 2.4.2. Application

Housing Counseling Agencies will assist households that have met the threshold of the pre-application in completing the full application that minimally requires the following information:

- ▶ Income amounts, frequency, and sources for each household member 18 and older.
- ▶ Asset information for each household member 18 and older.
- ▶ Unreimbursed medical expenses in excess of 3 percent (3%) of annual income
- ▶ Childcare expenses for children under the age of 13 that enable a family member to work or go to school.
- ▶ Expenses for care of a family member with disabilities that enable a family member to work or go to school.

### 2.4.3. Online Entry into the Program

Anyone needing disaster recovery assistance must register with DCA to receive an identification number (ID) that is used when the person applies for assistance. The ID will allow the applicant to log-in and complete the pre-application. TBRA staff will use the pre-application to invite the household to contact a DCA identified housing counseling agency (HCA) to complete the full application.

### 2.4.4. Walk-in Entry into the Program

Any applicant that walks into an HCA must still register with DCA to receive an ID. The HCA will assist the applicant with registration and applying for assistance.

## 2.5. Eligible Applicants

DCA may determine an applicant is ineligible due to documented fraud and/or abuse while applicant was receiving assistance from another state or federal program.

### 2.5.1. Income Eligibility

HUD establishes and annually revises [applicable CDBG-DR income limits](#) by household size by jurisdiction. Eligible applicants will be rental households up to 120% of AMI who resided in one of the HUD or State most-impacted counties at the time of the hurricane.

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As described in [Section 2.1 Set Aside](#), the program has ensured assistance available to households at or below 30% of AMI.

## **HUD MIDS - CDBG 80% AMI Limits**

Source: [HUD FY2022 CDBG Income Limits](#)

## **HUD MIDS - CDBG 120% AMI Limits**

Source: [HUD FY2022 CDBG-DR 120% Income Limits](#)

## **STATE MIDS - CDBG 80% AMI Limits**

Source: [HUD FY2022 CDBG Income Limits](#)

## **STATE MIDS - CDBG 120% AMI Limits**

Source: [HUD FY2022 CDBG-DR 120% Income Limits](#)

### 2.5.2. Resident Status

Households must have at least one adult household member who is a legal resident of the United States to be eligible for the program. The program considers legal residents to include U.S. citizens as well as non-citizens who are “qualified aliens.” The program will define qualified aliens as those who are:

- ▶ Legal Permanent Residents (admitted for lawful permanent residence (LPR));
- ▶ Refugees (admitted to the United States under Section 207 of the Immigration and Nationality Act (INA));
- ▶ Asylees (persons granted asylum under INA Section 208);
- ▶ Persons who have been paroled into the United States (under INA Section 212(d)(5)) for a period of at least one year;
- ▶ Persons whose deportation is being withheld on the basis of prospective persecution (under INA Section 243(h) or Section 241(b)(3));
- ▶ Persons granted conditional entry pursuant to INA Section 203(a)(7) as in effect prior to April 1, 1980; or
- ▶ Cuban and Haitian entrants (as defined by P.L. 96-422).
- ▶ Victims of human trafficking as defined by the Victims of Trafficking and Violence Prevention Act of 2000
- ▶ Persons who meet the definition of having been “battered” under 8 U.S. Code Section 1641.C

### 2.5.3. Tie to Hurricane Ida

All applicants must demonstrate a tie to Hurricane Ida to be eligible for the program. To demonstrate a tie to Hurricane Ida, the applicant must submit documentation that the household lived in one of the twelve most impacted counties between September 1 and



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September 30, 2021: Bergen, Essex, Hudson, Middlesex, Passaic, Somerset, Union, Gloucester, Hunterdon, Mercer, Morris, and Warren. Acceptable documentation includes:

- ▶ FEMA Assistance
- ▶ SBA Assistance
- ▶ Other acceptable documentation of residency at time of the storm

## 2.5.4. Unhoused/at risk of becoming unhoused; Displaced; Unsafe housing

Applicants will demonstrate that they meet one of the conditions below by signing a self-attestation to that effect.:

- ▶ Currently unhoused or at risk of becoming unhoused, as defined in [24 CFR 91.5](#).
- ▶ Still displaced from the storm, as demonstrated by residing in a location different than where they resided at the time of the storm.
- ▶ Residing in housing that is not safe, stable and sanitary.
- ▶ Residing in housing that is unaffordable to the household.
- ▶ Residing in housing that does not meet accessibility needs and/or accommodate a household member's disability.

## 2.5.5. Mixed Households

A mixed household is a household whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status. A mixed household is eligible for prorated housing assistance as long as there are members of the household who assert and are confirmed to be U.S. citizens or have legal immigration status as defined by the Housing and Community Development Act of 1980.

## 2.6. Ineligible Applicants

### 2.6.1. Homeowners

Homeowners are not eligible for TBRA.

### 2.6.2. Assisted Renters

The program will not assist households who already receive other forms of tenant-based rental assistance (such as Section 8) which reduce their housing payment to 30% of their monthly income or less. If an otherwise eligible household is on the waiting list for another rental assistance program, they may remain on that waiting list and receive CDBG-DR assistance. However, if they come to the top of that other waiting list and choose to accept that assistance, they must inform DCA, and their CDBG-DR assistance will be terminated



## 2.7. Eligible Uses

### 2.7.1. Rental Assistance

Pending approval from HUD the program will provide monthly rental payments for up to 24 months. The amount of the subsidy will be the total of the monthly rent and utility allowance minus the amount to be paid by the tenant (“total tenant payment”). The tenant payment will not exceed 30% of the tenant’s adjusted gross monthly income. The unit rent may not exceed 130% of Fair Market Rent (FMR) as defined by HUD for the county where the unit is located. Rental arrears are not an eligible use.

The program will make all rental payments directly to the tenant’s landlord. The program may make exceptions to this policy in case of extenuating circumstances, to pay to an escrow account.

### 2.7.2. Other housing assistance (e.g., fees, security deposits)

The program may provide housing assistance in addition to rent. Households receiving rent assistance will receive a utility allowance. All other housing assistance payments will be limited to actual costs and subject to a cost reasonableness review. Eligible non-rent assistance costs include:

- ▶ Rental application fees: limited to households at or below 80% AMI
- ▶ Security deposits: limited to up to 1.5 months of rent

In addition, other necessary and reasonable deposits or non-recurring fees and charges related to housing may be eligible. Payments will be made to landlords and service providers on behalf of the tenant. DCA may make exceptions through an approval process for payments to be made directly to the tenant.

## 2.8. Non-Eligible Uses

Non-housing expenses are ineligible under TBRA. Non-housing expenses include, but are not limited to the following costs below:

- ▶ Cable television
- ▶ Internet
- ▶ Cell phone services

## 2.9. Term of Assistance

The program will make assistance available to applicants for up to twenty-four (24) months from the final lease approval date. All assistance must be complete and expended by 12/31/2026.

## 2.10. Total Tenant Payment (TTP)

The tenant’s obligation for rent and utilities combined will not exceed 30% of the tenant’s adjusted gross monthly income. (Note: See Section 2.10.1.1 for formula to determine adjusted gross monthly income.) income.

## 2.10.1. Calculating Total Tenant Payment

The program will use the definition of Annual Income contained in [24 CFR 91.5](#) and will calculate income based on [24 CFR 5.609](#). [The program may also use the HUD Office of Community Planning and Development's \(CPD\) Income Calculator.](#)

The program will calculate tenant income for the purpose of determining the TTP using the definition of Adjusted Annual Income in [24 CFR 5.611](#).

A household's share of the rent is based on the household's income. This amount is called the "total tenant payment" (TTP) and for most households it is based upon 30 percent of the household's adjusted monthly income. (In certain circumstances, a household's TTP may be based upon 10 percent of their unadjusted monthly income.)

### 2.10.1.1. Adjusted Income

Adjusted income means annual income less the following:

For all households:

- ▶ \$480 for each dependent;
- ▶ Reasonable childcare expenses; and
- ▶ Unreimbursed disability assistance expenses.

For any elderly family or disabled household:

- ▶ A \$400 household allowance; and
- ▶ Unreimbursed medical expenses.

Dependent Allowance. A dependent is defined as a household member who is:

- ▶ Under 18 years of age,
- ▶ A person with a disability; or
- ▶ A full-time student.

The head of household, spouse, foster children, foster adults, or live-in aide are never counted as dependents.

A full-time student is a person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program as well as an institution offering a college degree.

Child Care Expenses. Reasonable childcare expenses for the care of children, including foster children, less than 13 years of age may be deducted from annual income if all of the following are true:

1. The care is necessary to enable a household member to actively seek employment, be gainfully employed, or to further his or her education;
2. An agency or individual outside the household does not reimburse the expense;
3. An adult household member capable of providing childcare is not available; and
4. The expenses do not exceed the amount of employment income that is included in annual income.

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Allowance for Disability Assistance Expenses. Reasonable expenses that are anticipated for attendant care and auxiliary apparatus for a disabled family member if such expenses:

1. Enable a household member, including the disabled member, to be employed;
2. Exceed 3 percent of total annual income;
3. Do not exceed the earned income of the household member enabled to work; and
4. Are not reimbursed by an outside source.

Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles, special equipment to enable a blind person to read or type, etc., if directly related to permitting the disabled member or other household member to be employed.

Elderly/Disabled Household Deduction. If the head of household or spouse is elderly (age 62 or over), or a person with disabilities, a \$400 adjustment to income is permitted. The \$400 is a household deduction. Only one elderly household deduction per household is permitted, even if both the head of household and spouse are elderly or disabled.

Medical Expenses. A deduction for medical expenses is permitted only for households in which the head of household or spouse is at least 62 years of age, or a person with disabilities. If the household is eligible for a medical expense deduction, the expenses of all household members may be considered.

Medical expenses are out-of-pocket expenses anticipated to be incurred by the household during the twelve (12) month certification/reexamination period. They may include:

- ▶ Contact lenses and the cost of equipment and materials required for using contact lenses, such as saline solution and enzyme cleaner
- ▶ Dental treatment
- ▶ Eyeglasses and fees paid for eye examinations
- ▶ Hearing aids and the batteries to operate them
- ▶ Hospital services
- ▶ Health insurance premiums
- ▶ Laboratory fees
- ▶ Medical services provided by physicians, surgeons, specialists, or other medical professionals
- ▶ Prescribed medicines
- ▶ Oxygen and oxygen equipment
- ▶ X-rays

The medical expense allowance is that portion of total medical expenses that is in excess of 3 percent of the household's total annual income.



# Tenant Based Rental Assistance (TBRA)

Subsidy Calculations: The calculation of TTP is as follows:

Gross Annual Income	
	MINUS
\$480.00 for each minor dependent under the age of 18	
	MINUS
\$400.00 for a head of household who is 62 and older, or permanently disabled	
	MINUS
\$ unreimbursed medical expenses prescribed by a physician (monthly medication and/or medical equipment)	
	MINUS
\$ any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education	
	DIVIDE BY
12 (months in a year)	
	MULTIPLY BY
30% (.30)	
	MINUS
Tenant Paid Utility Allowance	
	EQUALS
	\$ _____ Total Tenant Payment

(Note: The TTP includes both the rent and the utility allowance. If the tenant's rent amount is less than the utility allowance for the unit, the household will receive the difference in a utility check.)

## 2.11. Tenant Rent Subsidy Calculation

The amount of subsidy will be the total of monthly rent and utility allowance minus the TTP. The Program will subsidize the difference between the TTP and the unit rent and utility allowance.

## 2.12. Rent Reasonableness Payment Standard

The Payment Standard establishes the reasonable rent limit that the program will use to determine each eligible household's rent subsidy. This program has established the payment standard at 130% of the HUD FMR, by number of bedrooms, for the county where the unit is located. [HUD Fair Market Rent Rates](#)

## 2.13. Duplication of Benefits

In accordance with DCA's [Duplication of Benefits Policy](#) for Hurricane Ida, the program will:





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- ▶ Conduct a duplication of benefits analysis before assistance is provided and as part of the beneficiary's closeout of assistance.
  - Data feeds from FEMA, SBA, etc, may be used to verify assistance. Applicants may provide documentation to support any discrepancies,
- ▶ Applicants are required to provide any documentation evidencing other benefits they may have received for the same purpose. Determine all rental, utility and other disaster assistance received by the beneficiary or applicant and all reasonably identifiable financial assistance available to the beneficiary or applicant, as applicable, before committing funds or awarding assistance. The following is a list of possible funding sources that may be included in the duplication of benefits review
  - FEMA unused temporary housing assistance
  - [Small Business Administration \(SBA\) Disaster Loan](#)
  - Federal and State rental assistance such as [New Jersey DCA Small Rental Assistance Program \(SRAP\)](#)
  - Federal and State utility assistance such [as New Jersey Utility Assistance Programs](#)
  - Insurance proceeds
  - Other funds received from local governments, non-profit and other housing organizations that can be used for eligible expenses under this program
  - Determine a beneficiary's or an applicant's unmet need(s) for CDBG-DR assistance before committing funds or awarding assistance; and
  - Require beneficiaries to enter into a signed agreement to repay any duplicative assistance if they later receive additional assistance for the same purpose for which the CDBG-DR award was provided. [Section III.A.1.a.(3)(a) – (c)]

## 2.14. Occupancy Standards

The program's Occupancy Standards establish the number of bedrooms needed by households of various sizes and compositions. The program's Occupancy Standards provide for the smallest subsidy level that will avoid overcrowding and will permit households to rent decent, safe and sanitary units with adequate space and security. Units must meet the regulatory requirement to "provide for the smallest number of bedrooms needed to house a family without overcrowding."

The program will determine how many bedrooms an applicant is eligible for based on family size and composition.

Number of Bedrooms	Household Size
0	1
1	1-2
2	2-4
3	4-6
4	6-8
5	8-10
6	10-12



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The program may make exceptions to these Standards in consideration of needs related to age, sex, health, accessibility, disability, relationship of household members, or other individual circumstances. To request an exception, applicants must submit requests in writing. Requests must include an explanation of how a larger sized unit would improve the current circumstances of the household. Supporting documentation from a physician or another professional may be included with the request.

TBRA staff will assign one bedroom for each two persons within the household, except in the following circumstances:

- ▶ Persons of the opposite sex (other than spouses, and children under age 10) will be allocated separate bedrooms.
- ▶ Live-in aides will be allocated a separate bedroom.
- ▶ Single person families will be allocated one bedroom

## 2.15. Portability

TBRA assistance is not portable beyond the twelve (12) most impacted counties. Approved units must be located within the twelve counties that received the most impact from Hurricane Ida: Bergen, Essex, Hudson, Middlesex, Somerset, Passaic, Union, Gloucester, Hunterdon, Mercer, Morris, and Warren.

## 2.16. Links to Social Services and Permanent Housing

To help households find permanent housing resources, enable households to plan for the end of TBRA assistance, and to link to other needed social services, the program will refer all participants to housing counseling agencies funded under DCA's CDBG-DR assisted program. The program will require housing counseling agencies to contact tenants at least every six months and also sixty (60) days prior to the tenant's lease end date to plan for possible transition to other housing or to find alternate rental assistance after TBRA assistance ends.

As part of their contract with DCA, housing counseling agencies are responsible for helping participant households locate permanent affordable housing units prior to the termination of their TBRA assistance. The program will regularly update housing counselors as affordable Ida-funded units become available through Smart Move and private landlords.

# 3. AWARD TO APPLICANT

## 3.1. Award of TBRA

To approve a final award, the program must also approve the specific rental unit selected by each applicant and calculate final subsidy amount and utility allowance (as applicable). Review for unit approval will include:

- ▶ Applicant unit selection
- ▶ Housing Quality Standards (HQS) Inspection
- ▶ Lead Safe Inspection
- ▶ Rent reasonableness assessment



- ▶ Review of rental lease

## 3.2. Notify Applicant of Award

The program will notify all eligible applicants of their eligibility for assistance, conduct an award briefing to determine the amount of subsidy, and notify applicants of both their TTP and potential rental subsidy amount. In addition, tenant will receive information about rights and responsibilities and accept award amount.

## 3.3. Unit Selection

Applicants may only use program rental assistance on units that the program has inspected and approved. The units must:

- ▶ Meet Section 8 Housing Quality Standards; and
- ▶ For units built prior to 1978, be in compliance with HUD's Lead Safe Housing Rule (24 CFR Part 35); and
- ▶ Rent is within the program payment standard; and
- ▶ Not be receiving another form of rent subsidy.

## 3.4. Applicant Search Timeline

Applicant will be allowed 60 days to locate a suitable unit and submit a Request for Tenancy Approval to the program. In the event the applicant has not located a unit within the sixty (60) days, they can request an extension of time. The program may permit applicants a sixty (60) day extension for good cause to locate an acceptable unit, for a maximum search period of 120 days.

## 3.5. Inspection of Unit Identified by Tenant

The program will only consider units eligible that:

- ▶ Meet the housing standards identified in the [DCA Administrative Plan – Chapter 8.1 Inspecting Units for Conformity to the Housing Quality Standards \(HQS\)](#);
- ▶ Comply with the [Lead Safe Housing Rule – 24 CFR Part 35](#) (for units built before 1978 that house children under the age of six); and
- ▶ Comply with New Jersey's Lead Safe Certification Law.

The program will ensure compliance by conducting both an HQS and a Lead-Based Paint Inspection of units identified by applicants in their Request for Tenancy Approval. The Lead-Based Paint inspection will consist of a visual assessment for deteriorated paint (cracking, scaling, peeling, or chipping paint as well as visible dust, debris and paint chips) and will include verification that the owner has stabilized each deteriorated paint surface in accordance with [§35.1330\(a\)](#) and [§35.1330\(b\)](#) before occupancy of a vacant dwelling unit.

### 3.5.1. Single Room Occupancy (SRO)

The TBRA program may consider an SRO unit. The housing quality checklist will be adapted to ensure compliance with [24 CFR 982.605\(a\)](#).

Owners of units that do not pass inspection will be permitted an opportunity to cure deficiencies. If a property owner does not meet the established program timeline to cure deficiencies, applicants may request that the program grant an extension of time for the property owner to make repairs to the unit.

## 3.6. Rent Reasonableness and Review of Lease

The program may only approve rental units which meet the rent reasonableness standard established in [Section 2.12. Rent Reasonableness](#). The program will review and approve the tenant's lease (known as the "final lease approval date").

The landlord must disclose information concerning lead-based paint and/or lead-based paint hazards for housing units built before 1978. The landlord must provide this information to the new tenants before they sign the lease. TBRA staff will provide all tenants with copies of the following documents prior to occupying the unit:

- ▶ Lead Hazard Information Pamphlet
- ▶ Lead Disclosure Notice notifying them of any known lead-based paint or hazards in the unit, prior to occupying the unit.

Once the unit passes the HQS inspection, staff reviews the lease to ensure compliance with program policies.

### 3.6.1. Approval of Unit and Leasing

The program will notify the applicant and the landlord of whether the selected unit is approved. If approved, the program will generate a Housing Assistance Program contract and send it to the landlord with a letter asking the landlord to sign and return the contract. When staff receives the signed contract, the DCA Manager signs the contract, and program staff place the contract in the applicant's file. TBRA staff notifies the applicant by telephone and mail or email that the contract has been fully executed. Applicant must submit signed lease. A move in date will be set during lease execution.

## 3.7. Occupancy Requirements

All tenants receiving TBRA assistance must comply with the Obligations of the Household agreement and applicable requirements in their lease. Failure to comply, may result in termination of assistance.

## 3.8. Exceptions Due to Hardship

DCA may consider exceptions with good cause for households experiencing hardship. Exceptions that conflict with laws, regulations and statutes are not permitted.

## 3.9. Denial of Landlord

DCA may deny a unit based on prior landlord fraud (state/local/federal debarment/suspension).

## 3.10. Termination of Assistance

The program will remind both tenant and landlord sixty (60) days prior to the end date of TBRA assistance (as listed on the tenant's Ida Tenant-Based Rental Assistance Voucher) and notify the tenant of the availability of housing counseling to help locate alternate housing, identify other rental assistance resources, prepare financially, and obtain referrals for supportive services, as needed.

### 3.10.1. Early Termination

At its discretion, the program may terminate assistance before the voucher end date if the household fails to adhere to the "Obligations of the Household" contained in the Ida

Tenant-Based Rental Assistance Renter Certification. DCA shall make its determination after considering all relevant circumstances, such as the seriousness of the case, the extent of participation or culpability of individual household members, mitigating circumstances related to the disability of a household member, and the effects of denial or termination of assistance on other household members who were not involved in the action or failure.

The acknowledgement/contract with the landlord states that the rental lease is between them and the renter. Any violation of the rental lease is addressed by the landlord and not DCA. Following eviction or finding of a possible reason for termination of assistance, the program may make a new eligibility determination and award based on a new household composition at its discretion.

DCA may terminate all assistance to a household due to documented fraud and/or abuse of assistance.

## 3.11. Complaints and Appeals

### 3.11.1. Complaints

Formal complaints are written statements of grievance, including email, comments posted on the DCA website, and handwritten complaints. DCA shall detail the process and contact information (through the website and email address) for submitting complaints within program guidelines, application documents, and on the DCA website. DCA shall maintain a tracker for collecting and categorizing complaints through resolution.

Verbal complaints are informal complaints. DCA and its subrecipients will attempt to resolve informal complaints; however, they are not subject to the written response process described above.

The State will accept written citizen complaints related to CDBG-DR funded programs, the Action Plan, substantial amendments, or quarterly performance reports. Written complaints should be submitted via email to [DisasterRecoveryandMitigation@dca.nj.gov](mailto:DisasterRecoveryandMitigation@dca.nj.gov) or be mailed to:

New Jersey Department of Community Affairs  
101 South Broad Street  
P.O. Box 823  
Trenton, NJ 08625-0823  
Attention: Deputy Commissioner

The State will make every effort to provide a timely written response to every citizen complaint within 15 working days of receipt of the complaint, where practicable.

The State will require that its subrecipients follow a citizen complaint procedure reflective of the goals of the Citizen Participation Plan. A copy and/or summary of citizen complaints received by subrecipients will be forwarded to the New Jersey Department of Community Affairs. The complainant must be made aware by the subrecipient that if she

# Tenant Based Rental Assistance (TBRA)

or he is not satisfied with the response, a written complaint may be filed with the Department of Community Affairs.

All citizen complaints related to fair housing/equal opportunity violations involving discrimination will be forwarded to the New Jersey Department of Law and Public Safety, Office of the Attorney General, Division on Civil Rights. To file a fair housing complaint in New Jersey, please call:

Trenton Regional Office: 609-292-4605

Atlantic City Office: 609-441-3100

TTY: 609-292-1785

TTY: 609-441-7648

Camden Office: 856-614-2550

Newark Office: 973-648-2700

TTY: 856-614-2574

TTY: 973-648-4678

Additionally, complaints can be submitted to the U.S. Department of Housing and Urban Development Fair Housing and Equal Opportunity Section. To file a complaint please contact FHEO Region 2 Office: 1 (800) 496-4294, fax: (202) 485- 5737, and email: [complaintsoffice02@hud.gov](mailto:complaintsoffice02@hud.gov).

Complaints regarding accessibility can be reported to the State's Section 504 Coordinator. Plan publication efforts must meet the effective communications requirements of 24 Code of Federal Regulations (CFR) 8.6 and other fair housing and civil rights requirements, such as the effective communications requirements under the Americans with Disabilities Act.

State Section 504 Coordinator:

Daniel Santos

[Daniel.Santos@dca.nj.gov](mailto:Daniel.Santos@dca.nj.gov)

Complaints regarding fraud, waste, or abuse of government funds will be forward to the HUD Office of the Inspector General Fraud Hotline (phone: 1-800-347-3735 or email: [hotline@hudoig.gov](mailto:hotline@hudoig.gov)).

## 3.11.2. Appeals

An applicant who wants to appeal a decision must reach out to their housing counseling agency within 15 days of the decision. It is the housing counseling agency the applicant was referred to when applying for assistance. The housing counseling agency will coordinate with TBRA staff in reviewing the appeal. The following are decisions that may be appealed:

- ▶ A determination of annual or adjusted income, and the use of such income to compute the housing assistance payment.
- ▶ A determination of the appropriate utility allowance, if any, for tenant paid utilities from the program's utility allowance schedule.
- ▶ The determination of the number of bedrooms\unit size for household.
- ▶ A determination to terminate assistance because of a household's actions or failure to act, or for prolonged absence.



The housing counseling agency and DCA TBRA staff cannot waive any law, statute or regulation or change local, state or federal requirements.

## 4. FINANCIAL MANAGEMENT

### 4.1. Financial Administration and Tracking

The program will use the HAPPY software system for case management and all program payments and SIROMS will be the system of record. The program will:

- ▶ Ensure all assistance payments are tracked on a beneficiary basis, constitute eligible use of funds, and are made in accordance with the policies defined in this Policy Manual, the Housing Assistance Program contract, and applicable state and federal regulations;
- ▶ Track all expenditures and cash outflows for direct program, program delivery, and administrative costs;
- ▶ Forecast funding expenditures by program, project, and type of expenditure (e.g., administrative, progress against program LMI and Urgent Need objectives, etc.);
- ▶ Report financial and performance metrics as well as progress reports quarterly to HUD;
- ▶ Reconcile State expenditures and drawdowns of Federal funds (DRGR) on a daily basis

### 4.2. Award Disbursements

Using the HAPPY system, DRM's Budget and Finance Office will be responsible for making program assistance payments in accordance with the New Jersey Prompt Payment Act ([P.L. 1987, Chapter 184](#)). Rent payments will be made on a monthly basis.

### 4.3. Recapture of Funds

DCA will recapture funds under the following circumstances:

- ▶ A final determination has been made that there was a duplication of benefits
- ▶ Overpayment
- ▶ Fraud, waste and abuse

## 5. ADMINISTRATION AND REPORTING REQUIREMENTS

### 5.1. Reporting

#### 5.1.1. Monthly Reconciliation

Staff will report rent rolls and lease payments in Housing Pro, which will generate a monthly report updating tenancy, expenditures, and funds remaining.

#### 5.1.2. Quarterly Performance Reports

TBRA staff will report on the activity quarterly until they have determined the activity to be complete, at which time the need for reporting ends.





## 5.2. Record Keeping

The program will maintain pertinent records such as program and project-related documents, financial records, statistical records, and supporting documents in accordance with 24 CFR part 570.490 and 24 CFR part 570.506.

Except as otherwise provided in DCA's File Management and Record Keeping Policy 2.10.19, financial and programmatic records, supporting documents, statistical records and all other records pertinent to the grant shall be retained for a period of seven (7) years or three (3) years after DCA has closed out their grant with the U.S. Department of Housing and Urban Development, whichever is the longer time period.

- ▶ If any litigation, claim, negotiation, action or audit involving the records is started before the expiration of the seven-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular seven year period, whichever is later unless otherwise directed by the Department.
- ▶ Records for nonexpendable property acquired with CDBG-DR funds shall be retained for seven years after its final disposition, unless otherwise provided or directed by the Department.

Any potential subrecipients and contractors for TBRA are also subject to this policy and will maintain all financial and program files accordingly. The program will maintain records to document compliance with program requirements and federal, state, and local regulations.

### 5.2.1. Participant Files

The Program will maintain electronic files for each applicant funded through TBRA. Each file must contain at a minimum the following information:

- ▶ Tenant's program application, including the property address and household member demographic information
- ▶ Documentation that verifies renter's eligibility for TBRA (e.g., household size, income, and specific TBRA-eligible needs)
- ▶ National objective determination

## 5.3. Award calculation and award letter

- ▶ Duplication of benefits showing unmet need
- ▶ Assistance agreement
- ▶ Subrogation
- ▶ Housing Quality Standard Inspection
- ▶ Lead-Based Paint Inspection
- ▶ Monitoring for Quality Assurance/Quality Control
- ▶ Correspondence with tenant
- ▶ Financial tracking of assistance (including requests and disbursements)
- ▶ Other documentation, as applicable, including but not limited to:
  - Changes to assistance such as increases, decreases, or activity changes
  - Recapture of funds



- Hardship determination
- Appeals

## 5.3.1. Administrative Files

Administrative records that apply to the overall administration of the program shall be maintained in electronic format. This includes the following:

- ▶ Personnel files that include:
  - Staff timesheets showing hours worked on CDBG-DR projects and activities
  - Staff job duties and experience
- ▶ General program files that include:
  - Policies and procedures
  - Process and/or desk manuals
  - Trainings
  - Reports
  - Agreements and/or contracts (e.g., data sharing agreements and technical assistance contracts)
  - Information demonstrating fair housing and equal opportunity compliance, such as demographic reports on personnel and program participants with all PII removed

## 5.3.2. Financial Files

Financial information and documentation will be stored and maintained either as original documents (paper), electronically on DCA's shared drive, or within SIROMS. Record keeping requirements are consistent with state retention policies and either meet or exceed that of 24 C.F.R. § 570.490. The program considers financial files to include the following:

- ▶ Documentation that shows what the program used funds for
- ▶ Documentation of payments made
- ▶ Reconciliation of funds showing expenditures and balances

## 5.4. Access to Records

Representatives of HUD, the HUD Office of the Inspector General, and the U.S. General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, or property pertaining to the administration, receipt, and use of CDBG-DR funds as necessary to facilitate reviews and audits. The State will maintain such records for a period of seven (7) years following the closeout of HUD's grant with the State, per 24 CFR part 570.490 (d).

Consistent with State or local requirements concerning the privacy of personal records, the State follows the Open Public Records Act. Citizens requesting access to records must complete DCA's request [form](#).

### 6. ENVIRONMENTAL REVIEW COMPLIANCE

TBRA must be in compliance with the National Environmental Policy Act (NEPA), and other related Federal and state environmental laws. Tenant-Based Rental Assistance is Categorically Excluded Not Subject to (CENST) Section 58.5 pursuant to 24 CFR Part 58.34(a) and 58.35(b). The CENST was completed at the program level.

### 7. MONITORING AND CLOSEOUT

DCA staff must maintain electronic and hard copies of all documents related to the Program for seven (7) years after the closeout of the grant award. The State will make such records available to Auditors, HUD and the OIG upon request.

