

Tenant Based Rental Assistance (TBRA) Program Policy

March 2025

Version 4.0



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
2.0	September 2024	Enhanced programmatic language around the prevention of fraud, waste, and abuse. Added language related to de minimus awards, alternative income documentation requirements, and programmatic recapture methods.
3.0	November 2024	Updated set-aside language. Added new voluntary withdrawal and administrative withdrawal sections and updated appeals language. Clarified security deposit payments section. Changed payment standards from 130% FMR to 100% FMR (with exceptions) for newly vouchered tenants as of October 2024.
4.0	March 2025	Added payment standard hold harmless provisions and the Occupancy Standards section to add additional clarifications to policy, consistent with HUD's guidelines.

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 (based on funding availability and lease dates) 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

1.3.1 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 (HUD) 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. Public Law 117–180 directed an additional \$2 billion to HUD, which resulted in an additional allocation of \$149.229 million in CDBG-DR to the State of New Jersey due to Tropical Storm Ida. Alternative requirements and waivers for the use of CDBG-DR funds are published in the applicable Federal Registers, including [87 FR 31636](#) and [88 FR 3198](#).

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
- 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 the following HUD- or State-identified most impacted and distressed (MID) areas are eligible for assistance.

HUD-identified MIDs:

- Bergen County (Sandy/Ida HUD MID)
- Essex County (Sandy/Ida HUD MID)
- Hudson County (Sandy/Ida HUD MID)
- Middlesex County (Sandy/Ida HUD MID)
- Passaic County (Ida HUD MID)
- Somerset County (Ida HUD MID)
- Union County (Sandy/Ida HUD MID)

State-identified MIDs:

- Gloucester (Sandy/Ida State MID)
- Hunterdon (Sandy/Ida State MID)
- Mercer (Sandy/Ida State MID)

- Morris (Sandy/Ida State MID)
- Warren (Sandy/Ida State MID)

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 launched the program in 2023, and it is 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)	50-60%
31-80% AMI	40-45%
81-120% AMI	Up to 5%

DCA estimated the Set-Asides based on pre-application self-attested income and may be required to adjust the amounts to reflect verified income, 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

A pre-application must be submitted in order to be considered for an application. Information requested in the pre-application includes, but is not limited to:

- ▶ Applicant's contact information, and information on all members of the household, including the total annual income of all household members.
- ▶ County of residence on the date of the storm and current housing status (displaced, unhoused, or living in substandard housing)
- ▶ Language and housing preferences

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, including (if applicable) a zero-income certification if any household member is claiming \$0 income.
- ▶ Dependent children under 26 years of age and attending college full-time may not be required to show proof of income as determined by the program.
- ▶ Asset information for each household member 18 and older without W2 employment.
- ▶ Declaration that each person that will benefit under TBRA is either a citizen or national of the United States or is a noncitizen with eligible immigration status.

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 who 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 a failure to meet any of the eligibility criteria outlined below (e.g., income, resident status, tie-back to Hurricane Ida, etc.) and/or the program reasonably suspects the applicant defrauded or had the intent to defraud the program. Upon a determination of ineligibility due to any of the eligibility reasons outlined below, an applicant may exercise their right to an appeal, consistent with [Section 3.12.2](#) of this policy.

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 storm. 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 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 the time of the storm (e.g., lease, utility bill, tax return, or NJ Driver’s License or Non-Driver’s ID Card)

2.5.4.Unhoused/At Risk of Becoming Unhoused; Displaced; Unsafe Housing

If applicable, 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. The program may, by exception, permit homeowners participating in a State managed housing recovery or buyout program to receive temporary rental assistance due to unsafe living conditions.

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

The program will provide monthly rental payments for up to 24 months (based on funding availability and lease dates). 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.

The Payment Standard establishes the reasonable rent limit that the program will use to determine each eligible household's rent subsidy. The payment standard is based on the HUD FMR, by number of bedrooms, for the county where the unit is located.

- **Prior to October 2024:** (Newly vouchered prior to this date and/or who have a renewal prior to this date). Tenant payments should not exceed 30% of the tenant's gross monthly income. Tenant unit rents may not exceed 130% of the Fair Market Rent (FMR). Any overage is to be paid by the tenant.
- **Starting October 2024:** (Newly vouchered after this date and/or who have a renewal past this date). Tenant payments should not exceed 30% of the tenant's gross monthly income. Tenant unit rents paid by the program should not exceed 100% of Fair Market Rent (FMR). However, the program may approve units that are over 100% of the FMR so long as the overage, which is the tenant's responsibility, does not exceed 40% of the household's monthly gross income. If tenants rent a unit that is over 100% of the FMR, then these costs are included in the TTP. In some cases, the program may make exceptions to account for expenses related to childcare, elderly care, disabilities, or medical costs.

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.

Refer to [HUD Fair Market Rent Rates](#) for more information on the HUD FMRs.

2.7.2. Applying Decreases in the Payment Standard

The program applies the payment standard that was in effect at the time the HAP contract was executed. However, in some cases, the program's payment standard will decrease while the tenant household is still residing in that same unit.

In these circumstances, the program implements a hold harmless option: the program will not reduce the payment standard amount used to calculate the subsidy for this household so long as that family continues to reside in that same unit for which there is an active HAP contract in place. The program has determined that this is a reasonable approach because:

- It is consistent with HUD's September 2024 guidelines¹ on this matter.
- It is less disruptive to the family and landlord, with less risk of eviction, and is less of an administrative burden to the program.

However, should the tenant household move from their unit, and a new HAP contract must be executed, the program's new program standard will apply.

2.7.3. 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, payable once per applicant across the full term of rental assistance.

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. The program may make exceptions to this policy in case of extenuating circumstances.

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

¹ HUD Notice PIH 2024-34, Section X, "Applying Decreases in the Payment Standard", page 19, <https://www.hud.gov/sites/dfiles/OCHCO/documents/2024-34pihn.pdf>.

2.9. Term of Assistance

The program may make assistance available to applicants for up to twenty-four (24) months from the final lease approval date. Each lease term should be no less than twelve (12) months.

The program's assistance will automatically end at the termination of the original lease. If assistance starts after the lease has already begun, the initial assistance period will similarly end at the same time as the current lease period. Applicants may request additional assistance for a single extension of up to 12 months based on the lease end date. However, this policy may result in tenants receiving less than 24 months of assistance if the lease(s) does not align with two (2) twelve (12) month terms of assistance.

In addition, unless granted an exception, no tenant shall enter into a third (3rd) HAP contract, even if this results in a tenant receiving less than the 24-month maximum of assistance available in the program. In addition, any tenant may be denied assistance under a HAP contract (new or renewal) due to program funding availability.

2.10. Duplication of Benefits

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

- ▶ Conduct a duplication of benefits analysis before assistance is provided and as part of the beneficiary's closeout of assistance.

The program will verify that applicants are not receiving duplicative payments through the "HAPPY" MRI software used by the State's Public Housing Authorities prior to each lock in period.

2.11. Occupancy Standards

The program's Occupancy Standards establish the number of bedrooms needed by households of various sizes and compositions. The program calculates the FMR based on the maximum allowable bedroom size, as noted in this section. 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

The program, consistent with HUD's guidelines, will generally assign one bedroom for each two persons within the household. However, other factors will influence the program's determination of reasonableness of this policy and are noted in the non-exhaustive list of exceptions outlined below:

- ▶ Persons of the opposite sex (other than spouses and children under age 10) or those persons that are unrelated or of different generations will be allocated separate bedrooms.
- ▶ Live-in aides will be allocated a separate bedroom.
- ▶ Single-person families will be allocated one bedroom.

The program may also make exceptions, as needed, as it relates to age, sex, health, accessibility, disability, and relationship of household members to avoid overcrowding 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.

2.12. De Minimus Payments

In the event that the program's award calculation for rental assistance established or renewed after October 2024 is below \$50 per month, the program will notify the applicant that the program award did not meet the minimum allowable award, and the applicant will be withdrawn from the program.

When Utility assistance established or renewed after October 2024 result in a monthly payment below \$20 per month the program will not award a monthly utility allowance.

In both instances, the program will not renew the voucher, the applicant will be withdrawn, and the file will be closed out.

2.13. Portability and Applicant's Geographic Location

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.

If the tenant or any family member no longer resides within the above eligible counties at the time of the application or at any point while TBRA assistance is disbursed, then the household may no longer be eligible for assistance.

2.14. Recertifications and Income Changes

Applicants must report income changes within 30 days. Failure to report an increase in income greater than 10% of their previously reported annual income may result in termination of rental assistance and recoupment of over disbursement during the unreported period of increased income.

Additionally, tenants are required to recertify their income yearly for all other tenant households or as requested by the program. During this recertification process, the tenant must also report any changes to their household (e.g., new household members due to birth or marriage or removal of household members due to divorce/separation or death).

As a result of this required reporting to the Program, if there have been changes to either income and/or household size, the Program may initiate the amendment process to update the Contract, Voucher, and Portion letter to recalculate the appropriate amount of benefits owed to the tenant household. In some cases, this may also require a new housing search to ensure that the rented unit matches the tenant household's occupancy requirements.

Upon review and estimate of the amount of change, the Program will take the following actions outlined below:

Income Change Amount	Interim Reporting (outside the Annual Recertification Period)	Annual Reporting
Increases of less than 10% of the household AGI	No retroactive payment changes that would otherwise result in recoupment (due to overpayment within the current term). Future remaining payments in the current term will also not be adjusted until the next renewal.	Future payments in the new term will be adjusted to account for any changes in income. As such, the Program will update the Contract, Voucher, and Portion Letter accordingly.
Increase equal to or more than 10% of the household AGI	Future remaining payments in the current term may be adjusted to account for the increase in income and net out any overpayments that were made as of the date of the change in income. When future payments are adjusted, the Program updates Contract, Voucher, and Portion Letter accordingly.	
Decreases of less than 10% of the household AGI	No further review is required. Future remaining payments in current term will not be adjusted. At annual recertification period, future payments for the next term will be adjusted accordingly.	
Decreases equal to or more than 10% of the household AGI	No retroactive payment changes that would otherwise result in underpayments from earlier in the current term. Future remaining payments in current term may be adjusted to account for the decrease in income from the date the information was provided. When future payments in the current term are adjusted, the Program updates Contract,	

Income Change Amount	Interim Reporting (outside the Annual Recertification Period)	Annual Reporting
	Voucher, and Portion Letter accordingly.	

In all cases where there has been a change to the TBRA payment amount owed by the program to either the tenant and/or landlord, at least 30 days' notice should be given to the landlord and tenant, indicating the new payment amount and effective date of this new TBRA payment amount.

2.15. 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 assistance program. The program will request housing counseling agencies to contact tenants at least ninety (90) 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 the 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, if required
- ▶ 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 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; and
- ▶ Not owned by a member of the tenant's family (see below at [Section 3.3.1](#)).

3.3.1. Units Owned by Family or Other Household Members

Consistent with 24 CFR 982.306(d), the program will not approve a rental unit if the family has any interest in the contract unit, including if the owner (including a principal or other interested party) is the parent, child, grandparent, grandchild, sister, or brother of any member of the tenant's family, unless the program determines (and has notified the owner and the family of such determination) that approving the rental unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

3.4. Applicant Search Timeline

Applicant will be allowed 60 days to locate a suitable unit and submit a Request for Tenancy Approval (RTA) with a one-year lease agreement 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 2.11. 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.

The program may conduct periodic reviews of any tenant. Any tenants that certified their household income as \$0 may be required to recertify their income every three (3) months. In addition to submitting an updated zero-income certification, the tenant will also be required to provide additional documentation, such as proof of unemployment filing with NJ Unemployment, and payments to date from unemployment and/or social security, to support their zero-income certification.

Failure to respond to program inquiries or provide requested documentation within 15 days of the request may result in termination of assistance.

Lastly, any tenants that falsely certify their income will be administratively withdrawn, and subject to recoupment for any overpayments. See [Section 3.11](#) on *Fraud, Waste and Abuse* and [Section 3.13](#) on *Withdrawals* for more information.

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 language contained in Program policies or Program forms. 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 program's agreement(s) with the applicant are terminated upon the end of the lease term or when the applicant is no longer residing in the property.

The acknowledgment/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.

3.11. Fraud, Waste, and Abuse

DCA may suspend and/or administratively withdraw applicants who DCA reasonably suspects have made misrepresentations of eligibility or false statements on other programmatic documentation required to establish accurate voucher assistance awards. Applicants may appeal determinations of ineligibility or administrative withdrawal due to suspected fraud, waste, or abuse.

DCA describes the process to report fraud, waste, or abuse in DCA Policy No. 2.10.3 Prevention and Detection of Fraud, Waste and Abuse.

DCA Policy No. 2.10.13 Internal Audits and Recipients Audits Policy discusses the process of the DCA Office of Auditing to provide both programmatic and financial oversight of grantee activities.

When the grantee has determined that instances of fraud, waste, and abuse have occurred, these will be referred to the HUD OIG Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov) by the Office of Auditing.

It is the affirmative responsibility of any DCA employee or Program Representative who suspects fraud is occurring to notify the appropriate State or Federal agency or department in accordance with DCA Policy 2.10.3 Prevention and Detection of Fraud, Waste, and Abuse.

In addition, suspicions of fraud can be reported to the New Jersey Office of the State Comptroller. The toll-free telephone number for the hotline is 1-855-OSC-TIPS (1-855-672-8477). The e-mail address is comptrollertips@osc.nj.gov. All communications will be kept confidential. The hotline and e-mail address are maintained by the New Jersey Office of the State Comptroller.

3.12.Complaints and Appeals

3.12.1. 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 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 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.

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:

DisasterRecoveryandMitigation@dca.nj.gov

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

3.12.2. Appeals

All appeal requests related to program eligibility are processed and reviewed by DCA. Initial review of the appeal will be conducted by a three (3) person panel, led by Legal and Regulatory Affairs staff. DCA TBRA staff cannot waive any law, statute, or regulation or change local, state, or federal requirements. This staff is independent from the group that originally made the decision being appealed. Each appeal will be reviewed against Program policies and requirements. The panel will make a recommendation to the Deputy Commissioner of DCA who will make the final determination. Appeal requests to DRM must be postmarked within sixty (60) calendar days of the date of service on the original correspondence communicating the decision to be appealed.

Appeals must be submitted in writing with all supporting documentation to:

Department of Community Affairs
Division of Disaster Recovery and Mitigation
Attention: Legal and Regulatory Affairs
P.O. Box 823
101 South Broad Street
Trenton, NJ 08625-0800

The applicant's written request should contain the following information:

- Application number,
- Applicant's name,
- Address of rental residence (if applicable),
- Applicant's mailing address,
- Applicant's telephone number,
- Email address (if available),
- The reason(s) the decision or action is being appealed, and
- Appeals must include documentation that supports the request to overturn the decision.

If appropriate, Legal and Regulatory Affairs may contact the applicant to allow the applicant to provide additional documents to address any deficiency or incomplete information or to be interviewed to determine the merits of the applicant's appeal. If the action or decision is overturned, notification will specify the corrective action to be taken. The applicant shall be notified of the final determination in writing via certified mail.

3.13. Withdrawals

3.13.1 Voluntary Withdrawals

TBRA applicants may withdraw at any time. Applicants who wish to withdraw must clearly provide notice of their intent to voluntarily withdraw and return any CDBG-DR funding over disbursement. DCA will send the applicant a written notice of acknowledgment of voluntary withdrawal.

3.13.2 Administrative Withdrawals

Applicants may be administratively withdrawn from the Program for any of the following reasons:

- Any applicants that fail to provide required documentation within 2 weeks of a request. Applicants will receive a notice giving them fifteen (15) days to provide the required information.
- An applicant is determined to have provided false or misleading information.
- An applicant received duplicative assistance at any point during the Program's participation.
- An applicant becomes unresponsive after 3 attempts and 2 weeks.
- An applicant who comes to a Program office multiple times without a scheduled appointment.
- An applicant is aggressive and/or abusive to a DCA employee or any other representative or affiliate of the Program, such as representatives from DCA's housing counseling partners.

4. FINANCIAL MANAGEMENT

4.1. Financial Administration and Tracking

The program will use the HAPPY and SIROMS software systems. 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

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.

When the Program determines that an overpayment has occurred and the applicant remains funded in the program, the overpayment may be evenly reduced from all subsequent payments within the voucher period, reduced in whole from the next payment, or require repayment from the applicant if there are not sufficient payments remaining to reduce.

Applicant and Landlord will be notified of all adjustments to program payments.

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
- ▶ Duplication of benefits showing unmet need
- ▶ Assistance agreement
- ▶ Subrogation
- ▶ Housing Quality Standard Inspection
- ▶ Lead-Based Paint Inspection, if applicable
- ▶ 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

5.2.2. 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

5.2.3. 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

5.3. 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 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.