

XIV. TERMINATION OF ASSISTANCE**A. BASIC POLICY**

The CDC may terminate assistance for a family because of the family's action or failure to act. The CDC will provide families with a written description of the family obligations under the program, grounds under which the CDC can terminate assistance, and the informal hearing procedures.

B. THE CDC MAY TERMINATE ASSISTANCE OF THE FAMILY FOR THE FOLLOWING REASONS

A family must not engage in drug-related criminal activity, violent criminal activity, or other criminal activity, including criminal activity by any family member.

1. A family must not engage in the abuse of alcohol to the extent that the abuse interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Drug-Related Criminal Activity means: the illegal use or possession for personal use, manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute a controlled substance (as defined in the Controlled Substance Act.).

2. The CDC may not terminate assistance for such use or possession by a family member, if the family member can demonstrate that he/she:
 - a. Has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such an impairment; and
 - b. Is recovering or has recovered from such an addiction and does not currently use or possess controlled substances. In this instance, the CDC shall require the family to submit evidence of participation in, or successful completion of a treatment program as a condition of continued assistance for the family or to allow the affected family member to reside in the assisted units.
3. Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use or threatened use of physical force against the person or property of another.
4. Abuse of alcohol includes behavior or a pattern of behavior of any Housing Choice Voucher program participant and any family member

and/or guest that as a result of the abuse of alcohol interferes with the health, safety, or right of peaceful enjoyment of the premises by other residents.

5. As a measure to determine whether the person has violated this family obligation, one of the following situations must be present:
 - a. There has been an arrest for engaging in drug-related criminal activity or violent criminal activity (as defined above) or other criminal activity, including criminal activity by any family member, which resulted in a conviction within the past twelve (12) months; or
 - b. There must have been an arrest within the prior twelve (12) months for engaging in drug-related criminal activity or violent criminal activity (as defined above) including criminal activity by any family member, which did or did not result in a conviction within the last thirty six (36) months; or
 - c. The family has been evicted from federally-assisted housing in the last five (5) years (see 24 CFR Sec. 982.552) for engaging in drug-related criminal activity or violent criminal activity (as defined above) including criminal activity by any family member;
 - d. Drug-related or criminal activity in, on or near the premises by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person in the tenant's control; and
 - e. The CDC has acquired/been presented with the preponderance of evidence that the family, including any family member, is engaging in drug-related criminal activity or violent criminal activity or other criminal activity or alcohol abuse, regardless of whether the family member has been arrested or convicted for such activity.
6. Families who are guilty of program abuse or fraud in any Federal Housing Assistance program. (This presupposes that the program abuse or fraud is substantiated and that a Repayment Agreement was not entered into.)
7. Families who have violated one of their family obligations.
8. Families who are in default of an executed Repayment Agreement by missing three (3) payments.
9. Families whose Total Tenant Payment is sufficient to pay the full gross rent and where 180 days has elapsed since the CDC's last HAP payment was made.

10. Families whose appropriate household members do not provide their Social Security information and documentation within the time required and specified by the CDC.
11. Families who fail to comply with HUD requirements for Assistance to non-citizens.
12. Income limits are solely used to determine eligibility for initial applicants. Income limits are not a consideration for termination of assistance once the family is under lease and contract and already on the program.

However, the following examples may be reasons for termination of assistance:

- if the family did not report an interim change in family composition or income, etc., which they were required to report, the CDC would determine how much the family owed the CDC, due to the unreported or untimely reported information.
 - if the CDC entered into a Repayment Agreement with the family, for unreported family income or multiple occasions of unreported income, and the family is current in its payments to the CDC, there is no reason to terminate the family's assistance.
 - if the family stops paying on their Repayment Agreement, the family will be under the termination of assistance procedures above.
13. If a participant signs an agreement with an owner/landlord to pay for the owner/ landlord to repair resident-caused HQS fail items, and the participant fails to repay the owner/landlord pursuant to said agreement, assistance may be terminated.
 14. If a household member is fleeing to avoid prosecution, or custody or confinement after prosecution for a crime that is a felony under the law of the place from which the individual flees; or in some states is a high misdemeanor; or violating a condition of probation or parole imposed under State or Federal Law. Note: In New Jersey, a felony is called a high misdemeanor. Therefore, a person fleeing New Jersey to another state is not eligible for public housing.
 15. If a family member has violated or is violating a condition of probation or parole imposed under Federal or State law.
 16. If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

17. If any member of a household is subject to a State lifetime sex offender registration requirement.
18. If the family revokes consent. The executed consent form (Form HUD-9886) will remain effective until the family is denied assistance, relinquishes their voucher, the assistance is terminated, or if the family provides written notification to CDC to revoke consent. Families have the right to revoke consent by notice to CDC, however, revoking consent will result in termination or denial of assistance.

C. INSUFFICIENT FUNDING

§982.454 Termination of HAP contract: Insufficient funding.

The PHA may terminate the HAP contract if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program

If CDC determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program, CDC will move to terminate HAP Contracts with Landlords/Owners. CDC will also discontinue the issuance of vouchers to participating families who request to relocate.

Should there be insufficient funding to continue assistance for all households assisted at the time the funding determination is made, CDC will first stop issuing any new vouchers, and then utilize attrition to reduce program size to comport with funding limitations.

CDC will make every effort to protect elderly and disabled families, families with minors and veterans of the U.S. Armed Forces. CDC will not terminate HAP Contracts for families participating in the Project Based Voucher or VASH Programs for over-leasing.

For the purpose of this termination policy;

- "Disabled family member" includes any household with a disabled household member. The definition for disability shall be as defined by HUD.
- "Elderly family member" includes any household member over the age of 62.
- A "minor" is any household member who is under 18 years of age, regardless of eligibility for the dependent deduction.

CDC will use the following methodology to determine the order of termination.

- **First Terminated:** Households with other subsidies available to them or where other subsidies are currently in place.

- **Second Terminated:** All households who do not meet at least one of the criteria listed below. The list below is in no particular order of priority.
 - Households with a disabled family member (defined above) and/or,
 - Households with an elderly family member (defined above) and/or,
 - Households with a veteran of the U.S. Armed Forces, and/or
 - Households with minors (as defined above) residing in the unit.

Third Terminated: Households reporting no earned income, excluding households with elderly/disabled family members (defined above).

Within the categories above, CDC will apply the First In, First Out (FIFO) method. When making this determination CDC has sole authority to determine the family's date of admission into the program.

- Port Out families who have not been absorbed by the receiving PHA are not excluded from this policy.

In making its decisions to terminate assistance, CDC may consider any and all legally permissible alternatives to reduce the number of families affected. Upon consideration of such alternatives and factors, CDC may, on a case-by-case basis, choose not to terminate assistance.

REINSTATEMENT ONTO THE WAITING LIST

CDC may choose to open the Housing Choice Voucher (HCV) Waiting List and provide a preference for families pursuant to the definitions above. CDC may open the HCV waiting list only to those families whose assistance was terminated

Families will have the option to re-apply and be placed on the HCV waiting list only when their assistance has ended. CDC may send written notification to the family before the family's assistance ends to determine if they would like to be placed on the HCV waiting list once they meet the preference qualifications. If yes, CDC will automatically place the family back on the HCV waiting list, ensuring that the first families to come off the program are the first families to be placed on the waiting list.

CDC's eligibility criteria contained in Chapter III of this administrative plan must be re-evaluated for any family placed on the HCV waiting list.

D. ZERO HOUSING ASSISTANCE

1. If the participant's income increases, resulting in a zero housing assistance payment and the participant is paying the entire contract rent; the participant shall be considered over-income after six (6) consecutive months of zero housing assistance payments. The family will be notified that the zero housing assistance is available for six (6) months. At that time, if there have been no changes which reflect the ability for the CDC to provide monetary assistance on the contract, the contract and the family's assistance will be terminated.
2. This determination does not preclude the family from asking to terminate assistance immediately, nor does it impact any rights under the lease.
3. Families whose assistance is terminated under this instance will have to reapply for assistance when CDC is accepting applications.

E. COMPUTER MATCHING

The CDC along with the Department of Housing and Urban Development will conduct a computer matching initiative in order to provide an independent source for verifying resident income. The matched information regarding income, earnings, wages, or unemployment compensation will be disclosed to the assisted family. The family must take appropriate action. Appropriate action may include, but not necessarily be limited to review of information with the client and changing the family's rent as needed. If a documented case of fraud is verified, the CDC will take action to recover excess housing assistance received by the resident due to unreported income.

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