

# HOUSING AUTHORITY OF THE CITY OF BAYONNE

## Community Service and Self-Sufficiency Policy

### I. INTRODUCTION

The Community Service and Self-Sufficiency Requirement (“CSSR”) is part of the ACOP (24 CFR 960.605(a)). Elements of the CSSR policy include, but are not limited to, the Housing Authority of the City of Bayonne (referred to as the “Authority” or the “BHA”) responsibility to administer the requirement; eligible and non-eligible activities; exceptions from the requirement; and compliance review standards. These elements are described further in this document.

Background: The Quality Housing and Work Responsibility Act of 1998, mandates all public housing agencies administer a CSSR requirement. The Act of 1998 contained a CSSR that every adult resident of public housing contribute eight (8) hours of community service per month, or participate in an economic self-sufficiency program for eight (8) hours per month (24 CFR Subpart 7, 960.600 through 960.609).

Applicability: This policy which is extracted from the Admissions and Continued Occupancy Policy (“ACOP”) requires the BHA since it administers the public housing program to administer the CSSR requirement.

### II. STATUTORY/REGULATORY REQUIREMENTS FOR ADMINISTERING CSSR

Community service work and economic self-sufficiency requirements mandate that each non-exempt adult household member (18 years or older) shall either contribute 8 hours per month of volunteer community service or participate in an economic self-sufficiency program (or a combination of the two) for 8 hours per month (24 CFR 960.603(a)). The requirements can also be met by a combination of 8 hours of community service and participation in an economic self-sufficiency program. At least 8 hours of activity must be performed each month. The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across the year. Any blocking of hours is acceptable as long as ninety six (96) hours is completed by each annual certification.

Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities (24 CFR 960.601(b)).

**III. ELIGIBLE COMMUNITY SERVICE ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO, SERVING AT:**

- A. Local public or nonprofit institutions, such as schools, Head Start Programs, before- or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycares programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);
- B. Nonprofit organizations serving BHA residents or their children, such as: Boy or Girl Scouts, Boy or Girls Club, 4-H clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, community clean-up programs, Big Brothers or Big Sisters, Garden Centers Corps of Retired Executives, beautification programs;
- C. Programs funded under the Older Americans Act, such as Green Thumb, senior meals programs, senior centers, Meals on Wheels;
- D. Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods, or performing arts;
- E. BHA housing to improve grounds or provide gardens (so long as such work does not alter the BHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with BHA-run self-sufficiency activities including supporting computer learning centers;
- F. Care for the children of other residents so parents may volunteer;
- G. The BHA accepts community services performed at profit-motivated entities that is performed within the community in accordance with the community and which benefit residents of the jurisdictional area of the BHA. See Public Housing Occupancy Guidebook, 176 (2003);
- H. The BHA accepts volunteer work performed at homes or offices of general private citizens and Court Ordered or Probation-based work that is performed within the community in accordance with the community and which benefit residents of the jurisdictional area of the BHA, as eligible for community service credit. See Public Housing Occupancy Guidebook, 176 (2003);

**IV. ELIGIBLE SELF-SUFFICIENCY ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO:**

For purposes of satisfying the community service requirement, an economic self-sufficiency program is defined by HUD as: Any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families. These economic self-sufficiency programs include, but are not limited to:

- A. Job readiness programs or job training while not employed;
- B. Training programs through local One-Stop Career Centers, Workforce Investment Boards (local entities administered through the U.S. Department of Labor), or other training providers;
- C. Higher education (Community college or college);
- D. Apprenticeships (formal or informal);
- E. Substance abuse or mental health counseling;
- F. Reading, financial, and/or computer literacy classes;
- G. English as a second language and/or English proficiency classes;
- H. Budgeting and credit counseling.

**V. INELIGIBLE CSSR ACTIVITIES:**

- A. Replacement of a BHA employee with those performing community service;
- B. Paid work;
- C. Political activities;

**VI. BHA OBLIGATIONS:**

1. To the extent possible and practicable, BHA will:
  - Provide residents with names and contacts at agencies that can provide opportunities for residents, including those with disabilities, to fulfill their Community Service/Self Sufficiency obligations. Persons with disabilities are exempt from the requirement only if they certify that because of their disabilities, they cannot comply with the requirement; (24CFR 960.601 (b))
  - Include a disabled person who is otherwise able to be gainfully employed, since such an individual is not exempt from the Community Service requirement; and

## **VI. BHA OBLIGATIONS (Continued)**

2. The BHA will provide the family with exemption verification forms and Recording/Certification documentation forms and a copy of this policy at lease execution, if applicable, at lease execution and annual recertification.
3. The BHA, at the time of application, will supply each family member with a brief description of the CSSR requirements.
4. At initial lease execution, the BHA will provide families with a copy of the CSSR policy and secure certification of receipt of the policy.
5. The BHA will have residents sign an acknowledgement of the CSSR policy at annual lease up (re-examination).
6. BHA will make the final determination as to whether or not a family member is exempt from the Community Service/Self Sufficiency requirement. Residents may use BHA's Grievance Procedure if they disagree with BHA's determination.
7. BHA will review and verify family compliance with service requirements annually at least thirty (30) days before the end of the regular recertification period.
8. BHA will retain copies of all relevant documentation and certifications in the resident file.
9. BHA may require additional supporting documentation from the resident to verify the CSSR participation or exempt status.

## **VII. REQUIREMENTS OF THE PROGRAM**

1. The eight (8) hours per month or ninety-six (96) hours per year may be either volunteer work or self-sufficiency activity, or a combination of the two.
2. At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The BHA will make the determination of whether to allow or disallow a deviation from the schedule.
3. Activities must be performed within the community and not outside the jurisdictional area of the BHA.

## **VIII. RESIDENT RESPONSIBILITIES AT LEASE EXECUTION AND RE-EXAMINATION**

The BHA will provide the family a copy of the CSSR policy at initial application and secure certification or receipt (24 CFR 960.605 (c)(2)). At lease execution each adult member (18 years or older) must:

1. Provide documentation that they qualify for an exemption if applicable. They will also sign the CSSR exemption certificate provided by the BHA.
2. These individuals will sign an acknowledgement that they have received and read the CSSR policy and understand that if they are not exempt, failure to comply with the Community Service requirement will result in the non-renewal of the lease. (24 C.F.R. 966.4(1)(2)(iii)(D))

At each annual lease renewal, all nonexempt adult household members (18 years or older) must:

- Sign a certification that they have received and read the CSSR policy and understand that if they are not exempt, failure to comply with the community service requirement will result in non-renewal of their lease.
- Present a signed certification on a form provided by the BHA of the CSSR activities performed over the previous twelve (12) months.

The BHA may make the final determination whether to grant an exemption from the community service requirement. If a resident does not agree with the BHA determination, the resident may dispute the decision through the BHA Grievance Procedures (24 CFR Part 966 Subpart B, 24 CFR 960.607(b)).

### **A. Other Resident Responsibilities:**

The BHA will review the submitted documentation and CSSR exemption certificate to determine which family members are exempt from the requirement. If at any time, there is a change to the exempt status of the family member, it is his/her responsibility to report this change to the BHA within five (5) days of the change.

**Non-Exempt Becomes Exempt.** Submit documentation to validate specific exemption and a signed CSSR Exemption Certification Form.

**Exempt Becomes Non-Exempt.** Submit documentation to validate the change and complete a CSSR Requirement Certification Form.

#### *A. Other Resident Responsibilities (Continued)*

**Documentation of CSSR Completion.** The exemption/CSSR completion will be verified annually by the BHA. At least 30 days before the annual reexamination and/or lease expiration, the BHA will review the exempt or nonexempt status and compliance of non-exempt family members (see 24 CFR 960.605(c)(3)). At each regularly scheduled rent re-examination, each non-exempt family member presents a signed certification on a form provided by the BHA of CSSR activities performed over the previous twelve (12) months. The BHA must obtain third-party verification of CSSR completion administered through outside organizations. The BHA developed a standardized form with places for signature confirmation by supervisors, instructors, or counselors certifying the number of hours contributed. Additional supporting documentation may be requested of the resident to verify CSSR participation or exempt status. Copies of the certification forms and supporting documentation must be retained in Authority files.

#### **B. Non-Compliant Residents:**

The BHA may not evict a family due to CSSR non-compliance. However, if the BHA finds a tenant is non-compliant with CSSR, then the BHA must provide written notification to the tenant of the noncompliance which must include:

1. A brief description of the finding of non-compliance with CSSR.
2. A statement that the BHA will not renew the lease at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the BHA. Such written work-out agreement must include the means through which a noncompliant family member will comply with the CSSR requirement.

The tenant may request a grievance hearing on the BHA determination, in accordance with 24 CFR Part 966, subpart B, and the tenant may exercise any available judicial remedy to seek timely redress for the BHA's nonrenewal of the lease because of such determination.

#### **C. Enforcement Documentation:**

Should a family member refuse to sign a written work-out agreement, or fail to comply with the terms of the work-out agreement, the BHA is required to initiate termination of tenancy proceedings at the end of the current 12-month lease (see 24 CFR 966.53(c)) due to the fact that the family is failing to comply with lease requirements. When initiating termination of tenancy proceedings, the BHA will provide the following procedural safeguards:

### *C. Enforcement Documentation (Continued)*

1. Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;
2. Right of the tenant to be represented by counsel;
3. Opportunity for the tenant to refute the evidence presented by the BHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
4. Right to request a reasonable accommodation during the grievance process if the family includes a disabled family member; and,
5. A decision on the merits of the grievance.

If a tenant does not win the grievance, the Authority may formally terminate the tenancy. If the resident fails to vacate the unit upon expiration of the twelve (12) month lease or the end of the grievance procedures, whichever comes last, the BHA may begin eviction procedures for such failure to vacate.

## **IX. 50058 CODING**

The Instruction Booklet for Form HUD 50058 contains information on coding CSSR status. At the time of program admission, enter either 3 or 4. At each annual re-examination, enter code 1, 2, or 4. The codes are described below:

- 1 - BHA determines resident is not exempt and is in compliance with CSSR
- 2 - BHA determines resident is not exempt and not complying with CSSR
- 3 - BHA is in the process of verifying CSSR compliance
- 4 - BHA determines resident is exempt
- 5 - Do not use this code for “not applicable” under any circumstance

## **X. EXEMPTIONS FOR ADULT RESIDENTS, AS CODIFIED AT CFR 960.601 INCLUDE PERSONS WHO ARE:**

Residents must provide documentation, if applicable, that they qualify for an exemption. The submitted documentation will be used by the BHA to determine whether or not the tenant is exempt from the CSSR. In addition, the BHA will provide the resident with a CSSR exemption certification form for completion. This form illustrates documentation that residents may submit to validate their exemption. All submitted documentation will be maintained in the resident file.

1. 62 years or older;

- X. *Exemptions for Adult Residents, as codified at CFR 960.601 include persons who are (Continued)*
2. Blind or disabled, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. Section 416(i)(1); Section 1382c), and who certify that, because of this disability, she or he is unable to comply with the service provisions of this subpart, or is a primary caretaker of such individual and who certifies that based upon that disability, he or she cannot comply with the requirement;
  3. Engaged in work activities (see Notice PIH 2003-17 (HA)). In order for an individual to be exempt from the CSSR requirement because he/she is “engaged in work activities,” the person must be participating in an activity that meets one of the following definitions of “work activity” contained in Section 407(d) of the Social Security Act (42 U.S.C. Section 607(d)):
    - Unsubsidized employment;
    - Subsidized private-sector employment;
    - Subsidized public-sector employment;
    - Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
    - On-the-job-training;
    - Job-search;
    - Community service programs;
    - Vocational educational training (not to exceed 12 months with respect to any individual);
    - Job-skills training directly related to employment;
    - Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
    - Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate;
  4. Able to meet requirements under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.) or under any other welfare program of the state of New Jersey including a state-administered welfare-to-work program; or,
  5. A member of a family receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.), or under any other welfare program of the State of New Jersey, including a state-administered welfare-to-work program, and has not been found by the state or other administering entity to be in noncompliance with such a program.



X. *Exemptions for Adult Residents, as codified at CFR 960.601 include persons who are (Continued)*

6. The supplemental nutrition assistance program (“SNAP”) qualifies as a welfare program of the state. Therefore, if a tenant is a member of a family receiving assistance under SNAP, and has been found to be in compliance with the program requirements, that tenant is exempt from the CSSR. To clarify, this exemption does not automatically apply to all members of a public housing household. The distinction is that there may be a household for which a portion of the household is receiving SNAP assistance, but another portion is not. An example is a household which includes a mother, child, and boyfriend (legally on the lease). The mother and child are receiving the SNAP benefits while the boyfriend is not part of the family receiving the assistance. In this case, the mother would be exempt if she is in compliance with the program requirements but the boyfriend is not exempt under this provision because he is not part of the family receiving SNAP benefits.

Please note, thirty (30) hours per week is the minimum number of hours for a work activity.

The BHA will review the submitted documentation and CSSR exemption certificate to determine which family members are exempt from the requirement. If at any time, there is a change to the exempt status of the family member, it is his/her responsibility to report this change to the BHA within five (5) days of the change.

XI. **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

The Department of Housing and Urban Development (referred to as “HUD”) will generate quarterly reports for the CSSR requirement. These reports will include:

1. Information on all residents that are coded as noncompliant with the CSSR requirement.
2. Information on all residents whose exempt status is in question.

***HUD expects the BHA to take the following actions based on these reports:***

1. Review the information for each resident that is included in the report;
2. Review the file and take actions as appropriate.

***The BHA’s actions shall further include based on the HUD reports:***

1. Entering into work out agreements;
2. Determining whether the current exempt status is correct;
3. Correcting improperly coded residents.