

HOUSING AUTHORITY OF THE CITY OF BAYONNE

LIVE-IN AIDE/CARETAKER POLICY

I. INTRODUCTION

The Housing Authority of the City of Bayonne (the “Authority”) permits its Tenants to have Live-In Aides/Caretakers reside in a Tenant’s unit. The circumstances under which such permission will be granted to a Tenant are outlined in this policy (the “Policy”). This Policy shall become a part of the Tenant’s lease with the Authority and is incorporated therein by reference.

II. STATUS OF THE LIVE-IN AIDE/CARETAKER

The Authority defines a Live-In Aide/Caretaker as a person, eighteen years of age or older, who resides with an elderly, disabled or handicapped Tenant and who: (1) is determined to be essential to the care and well-being of the Tenant; (2) is not obligated for the support of the Tenant; and (3) would not be living in the unit except to provide the necessary supportive services. Under no circumstances shall a Live-In Aide/Caretaker be considered a Tenant of the Authority.

For the purposes of this Policy, a Live-In Aide/Caretaker will be considered a guest of the Tenant. A “guest” is a person staying temporarily in the unit with the consent of a Tenant or other member of the household who has express or implied authority to so consent on behalf of the Tenant.

Although the Live-In Aide/Caretaker is not a Tenant of the Authority, the Tenant is responsible to ensure that the Live-in Aide/Caretaker adheres to the provisions of the Tenant’s lease with the Authority. The Authority may terminate the Tenant’s tenancy if the Live-In Aide/Caretaker violates any terms of the Tenant’s lease. Any such termination shall be in accordance with the state and/or federal procedures governing the same.

III. WRITTEN PERMISSION REQUIRED - THE APPLICATION

Any Tenant requiring the assistance of a Live-In Aide/Caretaker must first obtain the Authority’s written permission, by way of application, to have such a Live-In Aide/Caretaker reside in the Tenant’s unit. Copies of the application are available at the Authority’s administrative office, located at 549 Avenue A Bayonne, New Jersey. Once submitted by the Tenant, the Authority will review the application and, within a reasonable time, will make a determination as to the eligibility of the Live-In Aide/Caretaker to reside in the Tenant’s unit. However, if the Authority discovers that a Tenant has permitted or otherwise allowed the Live-In Aide/Caretaker to move into the Tenant’s unit prior to the completion of the Authority’s processing of the Tenant’s application, the Authority will deny the Tenant’s application automatically and the Tenant may be subject to proceedings for lease violations.

III. Written Permission Required – The Application (Continued)

As part of the Authority's review process of the Live-In Aide/Caretaker application, the Live-In Aide/Caretaker must complete and submit documents that will enable the Authority to obtain criminal history record information from the FBI, state, local police departments or other law enforcement agencies. The Authorization for the Release of Information and the Request for Criminal History Record Information for a Noncriminal Justice Purpose are attached to the application for request for Live-In Aide/Caretaker. Both the application for the Live-In Aide/Caretaker and the above named documents must be submitted to the Authority at the same time.

IV. ELIGIBILITY FACTORS

In determining the eligibility of the proposed Live-In Aide/Caretaker, the Authority will consider various factors, including but not limited to those listed below. However, this list is not to be construed as totally inclusive and there may be circumstances not listed which may be used for denial if the Authority determines that the Live-In Aide/Caretaker would have a detrimental effect on the health, safety or right to peaceful enjoyment of the premises by Tenants.

1. Whether the addition of the Live-In Aide/Caretaker is in compliance with Municipal Ordinances regarding occupancy limits of the unit;
2. The Authority's obligation to make reasonable accommodation for handicapped or disabled Tenants;
3. Whether the Live-In Aide/Caretaker has demonstrated the inability to conduct himself/herself in a manner that may impair the environment and/or security of Tenants residing in the development. This includes a record of serious disturbance of neighbors, destruction of property or other disruptive or dangerous behavior;
4. Whether the Live-In Aide/Caretaker has demonstrated, by past performance and behavior, that he/she is unlikely to obey all the rules and regulations as embodied in the existing Tenant's lease, as well as the rules and regulations embodied herein;
5. Whether the Live-In Aide/Caretaker has demonstrated, by past behavior, that he/she does not have the ability to maintain either the Tenant's apartment, as well as the common areas of the development in which the apartment is located, in a safe, healthy and sanitary condition;
6. Whether the Live-In Aide/Caretaker has been convicted of a drug-related criminal offense or violent criminal activity as set forth herein:

IV. Eligibility Factors (Continued)

- a. “Drug related criminal offense” is defined as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug; and
 - b. “Violent criminal activity” is defined as any criminal activity that has as one of its elements the use, attempted use or threatened use of physical force substantial enough to cause or be reasonably likely to cause serious bodily injury or property damage;
- 7. Whether the Live-In Aide/Caretaker is subject to a lifetime registration requirement under a State Sex Offenders’ Registration Program;
 - 8. Whether the Authority determines that the Live-In Aide/Caretaker is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other Tenants;
 - 9. Whether the Live-In Aide/Caretaker has been convicted of manufacturing or producing methamphetamine;
 - 10. Whether the Live-In Aide/Caretaker is or has been engaged in domestic violence, sexual assault, dating violence, and/or stalking;
 - 11. Whether there is evidence of a confirmed drug addiction, including but not limited to a record of arrest and/or conviction for possession by the Live-In Aide/Caretaker;
 - 12. Whether the Live-In Aide/Caretaker has or is currently engaged in other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other Tenants; or
 - 13. Whether the Live-In Aide/Caretaker has or is currently engaged in other criminal activity that would threaten the health or safety of any Authority employee, contractor, subcontractor or agent of the Authority.

Upon completion of the application process, the Authority will send written notification to the Tenant regarding the determination of eligibility of the Live-In Aide/Caretaker.

V. APPROVAL

If the Authority approves the Tenant's application, then the Live-In Aide/Caretaker may move into the Tenant's unit as of the date of the approval. Thereafter, the Tenant and the Live-In Aide/Caretaker must submit an updated application annually in conjunction with the Tenant's Continued Occupancy Form during the annual recertification. Please note, that the Authority reserves the right to determine, in its sole discretion, whether to request an updated Live-In Aide/Caretaker application prior to the submission of the Tenant's annual Continued Occupancy Form. All subsequent applications shall be reviewed by the Authority and either approved or denied. If denied, the Live-In Aide/Caretaker shall vacate the premises within ten (10) calendar days from the date of the said notification.

As part of the Authority's subsequent review process of the Live-In Aide/Caretaker renewal application, the Live-In Aide/Caretaker must complete and submit documents that will enable the Authority to obtain criminal history record information from the FBI, state, local police departments or other law enforcement agencies. The Authorization for the Release of Information and the Request for Criminal History Record Information for Noncriminal Justice Purpose are attached to the renewal application for request for Live-In Aide/Caretaker. Both the application for the Live-In Aide/Caretaker and all required documents must be submitted to the Authority at the same time.

VI. DENIAL

If the Authority denies the Tenant's application, the Authority will send a written notification to the Tenant stating the specific reasons for the denial. The notification will also explain the Tenant's right to request a grievance hearing pursuant to the Authority's Grievance Hearing Procedures' Policy. In this event, the denied Live-In Aide/Caretaker may not move into the Tenant's unit at all. However, the Tenant may submit another application requesting a new Live-In Aide/Caretaker.

In any case, if, after denial of the Tenant's application, the Tenant permits or otherwise allows the Live-In Aide/Caretaker to move into the unit, then the Authority will regard the Tenant to be in violation of his/her lease and the Tenant may be subject to proceedings for said lease violations.

VII. UNIT VACATE/REVOCATION OF STATUS

When the Tenant vacates the unit on a permanent basis for any reason, including death, the Live-In Aide must vacate the unit as well. The Live-In Aide/Caretaker has seven (7) calendar days, from the date that the Tenant vacates the unit, to complete his/her move from the unit. If the Tenant is placed in a hospital, nursing home, assisted living facility, rehabilitation facility or any other facility for the purpose of caring for or providing any assistance to the Tenant for more than two (2) weeks from the date of admission into such facility, the Live-In Aide/Caretaker will no longer be eligible to remain in the Tenant's unit unless and until the Tenant returns to the unit.

VII. Unit Vacate/Revocation of Status (Continued)

The Live-In Aide/Caretaker shall notify the Authority, in writing, within three (3) calendar days upon the Tenant's admission into such facility. In other words, it is the Live-In Aide/Caretaker's responsibility to notify the Authority in writing within the time frame specified regardless of the Tenant's anticipated length of stay within the facility. Failure to do so may result in the Authority's withdrawal of its permission to let the Live-In-Aide/Caretaker continue to reside in the Tenant's unit.

In addition, if the Live-In Aide/Caretaker engages in criminal activity, and/or abuses alcohol (or engages in a pattern of abuse) or a controlled substance (or engages in illegal use or pattern of illegal use) when the Authority reasonably believes such use or pattern of abuse may interfere with the health, safety or right to peaceful enjoyment of the Authority's public housing premises by other residents or employees of the Authority, the Authority has the right to revoke its permission for the specific Live-In Aide/Caretaker to remain in the Tenant's unit. The Authority reserves the right at any time to revoke an approved Live-In Aide/Caretaker Application for violating any terms of the Tenant's lease and/or any of the Authority's policies and rules and regulations.

VIII. INCORPORATION INTO LEASE

The initial Application for a Live-In Aide/Caretaker and all subsequent applications for the same, which have been submitted by the Tenant, will be made a part of the Tenant's Lease. Tenant acknowledges that the Authority relied upon the information submitted by Tenant as the basis to grant the Tenant's request for a Live-In Aide/Caretaker. If any representation on the application is determined to be misleading, incorrect or untrue, the Authority may, at its sole option, revoke an approved Live-In Aide/Caretaker application.

I/We have received a copy of Live-In Aide/Caretaker Policy and have had an opportunity to ask questions and gain an understanding about its contents.

*Signature of Tenant requesting
the Live-In Aide/Caretaker*

Date

Signature of Live-In Aide/Caretaker

Date

*Signature of Head of Household,
If not the same person as the requesting Tenant*

Date