

# Harrietstown Housing Authority

Saranac Lake, New York



## DRAFT FIVE-YEAR PLAN

### 2025 - 2029

*Board Approved Draft: June 26, 2024*



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**PUBLIC NOTICE**

The Harrietstown Housing Authority, in compliance with the Quality Housing and Work Responsibility Act of 1998 and 24 CFR Part 903, has developed paperwork related to its Five-Year Plan for FY2025-FY2029. Further, in compliance with 24 CFR Part 905, it has developed paperwork related to its Five-Year Action Plan for FY2025-FY2029. Both are available for review at the Authority's office at 14 Kiwassa Road, Saranac Lake, and on its website, [www.harrietstownha.org](http://www.harrietstownha.org).

Office hours are Monday-Friday, 9am-1pm. Comments will be accepted up through September 18, 2024. A public hearing for both the Five-Year Plan and Five-Year Action Plan will be held at 4pm, September 18, 2024, at 14 Kiwassa Road, Saranac Lake, second floor meeting room.

Pub.: August 5, 6, 7, 8, 9, 2024



## INVENTORY

The Harrietstown Housing Authority administers two programs. The Public Housing Program (with 113 units) receives Operating Subsidy and Capital Grant funds from the U.S. Department of Housing and Urban Development, Public and Indian Housing. Its Housing Choice Voucher Program (with 135 vouchers) also receives funds from the U.S. Department of Housing and Urban Development, Public and Indian Housing. Funds include Housing Assistance Payments, restricted for rental assistance to income-eligible households, and Administrative Funds.

The addresses/locations of existing housing owned/managed by the Housing Authority is:

- ✓ Lake Flower Apartments: 14 Kiwassa Road, Saranac Lake, New York 12983 – Franklin County
- ✓ Algonquin Apartments: 240 George LaPan Memorial Highway, Saranac Lake, NY 12983 – Franklin County

The Lake Flower Apartments, built in 1972, is a nine-story high rise. Housing Authority offices are on the first floor. Seventy-eight apartments are on floors two through nine. Of these, 47 units are efficiencies and 31 are one-bedroom units. Common areas include a mailroom, meeting room, community room, and community kitchen. Laundry rooms are available on floors two through nine.

The Algonquin Apartments, constructed in 1978, has five dwelling structures and one community structure. There are a total of 35 units. These include five two-bedroom units, twenty three-bedroom units, and ten four-bedroom units. The community building includes a community room, community kitchen, laundry facilities, and mailboxes.





<b>5-Year PHA Plan (for All PHAs)</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires: 03/31/2024</b>
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** The Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A.	PHA Information.																																
A.1	<p><b>PHA Name:</b> Harriestown Housing Authority _____ <b>PHA Code:</b> NY087 _____</p> <p><b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): _____</p> <p><b>The Five-Year Period of the Plan (i.e. 2019-2023):</b> <u>2025-2029</u></p> <p><b>PHA Plan Submission Type:</b> <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below.)</p> <table border="1"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
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Lead PHA:																																	

<b>B.</b>	<b>Plan Elements.</b> Required for <u>all</u> PHAs completing this form.
<b>B.1</b>	<p><b>Mission.</b> State the PHA's mission for serving the needs of low-income, very low-income, and extremely low-income families in the PHA's jurisdiction for the next five years.</p> <p>See page 9.</p>
<b>B.2</b>	<p><b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, very low-income, and extremely low-income families for the next five years.</p> <p>See page 11.</p>
<b>B.3</b>	<p><b>Progress Report.</b> Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <p>See page 15.</p>
<b>B.4</b>	<p><b>Violence Against Women Act (VAWA) Goals.</b> Provide a statement of the PHA's goals, activities, objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>See page 19.</p>
<b>C.</b>	<b>Other Document and/or Certification Requirements.</b>
<b>C.1</b>	<p><b>Significant Amendment or Modification.</b> Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p>See page 41.</p>
<b>C.2</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) have comments to the 5-Year PHA Plan?</p> <p>Y   N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<b>C.3</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD-50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan. See page 43.</p>
<b>C.4</b>	<p><b>Required Submission for HUD FO Review.</b></p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y   N  <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, include Challenged Elements.</p>

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**D. Affirmatively Furthering Fair Housing (AFFH).**

**D.1**

**Affirmatively Furthering Fair Housing. (Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)**

**Provide a statement of the PHA’s strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.**

<p><b>Fair Housing Goal:</b></p> <p><i>Describe fair housing strategies and actions to achieve the goal</i></p>
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## **MISSION**

The mission of the Harrietstown Housing Authority (HHA) is to provide its public housing and tenant-based assistance program residents clean, safe, and affordable housing in a non-discriminatory manner.



## GOALS AND OBJECTIVES

**Goal:** *Inform residents of, and encourage them to engage in, housing authority-based and community-wide educational, career, and social opportunities.*

Objective: Via regular communication with local nonprofits, municipalities, and government agencies, as well as review of on-line and print publications, share knowledge of and access to opportunities with residents.

Objective: Facilitate residents' access to low-cost internet.

Objective: Supporting the Resident Activities Committee with planning and publicizing of social activities throughout the year.

**Goal:** *Strengthen the Housing Authority's financial position and long-term viability.*

Objective: Explore and exploit appropriate opportunities to further diversify funding stream.

Objective: Utilizing HUD- and HHA-approved options, maximize return on investments.

Objective: Take advantage of federal and state funding opportunities aligned with this Five-Year Plan.

Objective: Explore opportunities to reduce costs while maintaining quality services.

Objective: Obtain the highest financial score, i.e., 25, under PHAS.

**Goal:** *Attain and maintain properties recognized for their overall safety and quality.*

Objective: To the extent possible, adhere to the Housing Authority's 2024 Physical Needs Assessment, develop related and annual capital fund statements, and complete identified items on time and on budget.

Objective: Undertake preventative and routine maintenance tasks in a timely manner.

Objective: Assess pros/cons of utilizing in-house staff versus contractors, ensuring staff time and skills are applied as effectively as possible.

Objective: Strive for greater energy efficiency and reduced utility costs.

Objective: Obtain NSPIRE scores of 90 or higher for each property.

**Goal:** *Maximize administrative and managerial effectiveness and efficiency.*

Objective: Ensure a minimum of two staff are trained to undertake all administrative tasks.

Objective: Explore opportunities for HHA collaboration with municipalities, related entities, and/or other housing authorities.

Objective: Attain and maintain an adjusted occupancy rate of 96% or higher at Lake Flower and 94% or higher at Algonquin.

**Goal:** *Ensure unwavering commitment to the lawful, fair, and equitable treatment of all applicants, residents.*



Objective: Comply with all applicable laws, regulations, rules, notices, and policies, and make them readily available as required or requested.

Objective: Educate all staff, as applicable, on the existence of said laws, regulations, rules, notices and policies, and their mandated compliance with them.

Objective: Ensure all staff participate in fair housing training annually.



## PROGRESS REPORT

The COVID-19 pandemic, which began in March 2020, impacted all facets of the Housing Authority's operation and management. The most severe impacts, i.e., supply chain interruptions and labor shortages, carried through 2021. Less severe impacts continue to this day.

This report reprints the 2020-2024 goals and objectives and itemizes progress made.

***Goal: Inform residents of, and encourage them to engage in, housing authority-based and community-wide educational, career, and social opportunities.***

Objective: Explore methods and specific actions to facilitate residents' connectivity to and use of electronic media.

Objective: Via regular communication with local nonprofits, municipalities, and government agencies, as well as review of on-line and print publications, share knowledge of and access to opportunities with residents.

Objective: Continue work with the Resident Activities Committee to plan for and publicize social activities throughout the year.

### ACCOMPLISHMENTS:

- ✓ During the pandemic, distributed health/safety information via website, text blasts, Facebook, posting of notices on individual doors.
- ✓ Conveyed how/where to obtain food and other assistance via the above listed methods.
- ✓ Permitted public and private entities to post information about upcoming opportunities at both properties.
- ✓ Worked with the Town Board to survey Algonquin residents on internet access/cost. Discussed low-cost options with Spectrum.
- ✓ Provided 24-hour access to public computer and internet in the Lake Flower lobby.
- ✓ The pandemic precluded social activities from 2020 through mid-2022. Beginning in September 2022, the Resident Activities Committee planned and advertised a variety of social activities.

***Goal: Strengthen the Housing Authority's financial position and long-term viability.***

Objective: In coordination with the affiliated Adirondack Housing Development Corporation, explore and exploit appropriate opportunities to further diversity funding stream.

Objective: Assess the costs and benefits of available repositioning scenarios, including but not limited to the Rental Assistance Demonstration (RAD).

Objective: Explore opportunities to reduce costs while maintaining quality services.

Objective: Obtain the highest financial score, i.e., 25, under PHAS.

### ACCOMPLISHMENTS:

- ✓ In partnership with AHDC, explored possible revenue streams; several pursued.
- ✓ Increased knowledge of repositioning scenarios; determined the costs outweigh benefits.
- ✓ Took steps to reduce costs while maintaining services:

- Utilized heavily insulated panels on Lake Flower facade
- Participated in fixed-rate electric supply contract
- Participated in community solar program
- Installed energy efficient plumbing and lighting fixtures at both properties
- Applied for/received HUD Rate Reduction Initiative
- Modified policy regarding health coverage for retirees
- Transferred financial reporting to existing housing software
- ✓ Obtained highest financial PHAS score of 25 in 2022. (COVID waiver: no PHAS score in 2020 and 2021.)

**Goal: Maintain and secure properties' physical condition.**

Objective: Recognizing financial constraints, identify staffing and allocation of tasks, i.e., in-house versus contracting, to use available funds and time to their greatest advantage.

Objective: To the extent possible, adhere to the Housing Authority's Physical Needs Assessment, develop related and realistic five-year action plans, and complete identified items on time and on budget.

Objective: Undertake preventative and routine maintenance tasks in a timely manner.

Objective: Strive for greater energy efficiency and reduced utility costs.

Objective: Obtain a physical score of 38 or higher under PHAS.

ACCOMPLISHMENTS:

- ✓ Consistently weighed pros/cons for contracting out versus undertaking work in-house. Contracted out for variety of work related to unit turnovers, lawn care at Algonquin.
- ✓ In 2020-2024, undertook items identified in 2015-2019 and 2020-2024 five-year action plans:
  - New Façade (Lake Flower)
  - Outside Elevator (Lake Flower)
  - Roof Fans (Lake Flower)
  - Propane Storage Tanks (Lake Flower)
  - New Awnings (Lake Flower)
  - New Benches (Lake Flower)
  - New Roofs (Algonquin)
  - New Rear Yard Fences/Gates (Algonquin)
  - Security Cameras (Lake Flower and Algonquin)
  - Energy Efficient Lighting and Plumbing (Lake Flower and Algonquin)
  - New Appliances (Lake Flower and Algonquin)
  - New Flooring (Lake Flower and Algonquin)
- ✓ To the extent possible, addressed preventative and routine tasks in a timely manner.
- ✓ As identified above, undertook numerous actions to increase energy efficiency and reduce costs:
  - Utilized heavily insulated panels on Lake Flower facade
  - Participated in fixed-rate electric supply contract
  - Participated in community solar program
  - Installed energy efficient plumbing and lighting fixtures at both properties

**Goal: Maintain administrative and managerial effectiveness and efficiency.**

Objective: Recognizing financial constraints, identify staffing and allocation of tasks, i.e, in-house versus contracting, to use available funds and time to their greatest advantage.

Objective: Ensure a minimum of two staff are trained to undertake all administrative tasks.

Objective: Continue and build upon partnerships/involvement with municipalities, related entities, and regional housing efforts to expand awareness of the number of solutions/approaches to any one question/challenge.

Objective: Obtain the highest management score, i.e., 25, under PHAS.

ACCOMPLISHMENTS:

- ✓ Upon retirement of full-time staff person, reallocated tasks amongst admin staff and hired half-time person.
- ✓ Undertake several tasks once contracted out in-house, e.g., 1099s.
- ✓ Minimum of two staff are trained to undertake most administrative tasks.
- ✓ Maintained and developed strong relationships with public and private entities at the local, regional, and state levels.

**Goal: Ensure unwavering commitment to the lawful, fair, and equitable treatment of all applicants, residents.**

Objective: Comply with all applicable laws, regulations, rules, notices, and policies, and make them readily available as required or requested.

Objective: Educate all staff, as applicable, on the existence of said laws, regulations, rules, notices and policies, and their mandated compliance with them.

ACCOMPLISHMENTS:

- ✓ Staff participate in training related to Fair Housing regularly.
- ✓ No formal complaints filed; no lawsuits.



## VAWA GOALS

The Harrietstown Housing Authority is committed to protecting all victims of domestic violence, dating violence, sexual assault, stalking and human trafficking.

The HHA provides the following VAWA information to applicants and residents, as applicable, and when required. In addition, the HHA posts the VAWA information in its offices and on its web site.

- Form HUD-5380, Notice of Occupancy Rights under VAWA
- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation
- The HHA's Emergency Transfer Plan
- Form HUD-5383, Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- Phone number for the National Domestic Violence Hot Line
- Contact information for local victim advocacy groups or service providers

The HHA's ACOP and Admin Plan include the following VAWA-related policies.

**ACOP - APPLICABLE PORTIONS RELATED TO VAWA**

**Chapter 2: Fair Housing and Equal Opportunity**

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**Section 2-I.C. Discrimination Complaints – VAWA Complaint Processing**

- Policy

Applicants or tenant families who wish to file a VAWA complaint against the PHA may notify the PHA either orally or in writing.

The PHA will advise the family of their right to file a VAWA complaint with HUD’s Office of Fair Housing and Equal Opportunity (FHEO). The PHA will inform the family that not later than one year after an alleged VAWA violation has occurred or terminated, applicants and tenants who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint using FHEO’s online complaint form via mail, email, or telephone.

The PHA will attempt to remedy complaints made against the PHA and will conduct an investigation into all allegations of discrimination.

The PHA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

**Chapter 3: Eligibility**

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**Section 3-I.C. Family Break-Up and Remaining Member of Tenant Family – Family Break-Up**

- Policy

...In the absence of a judicial decision or an agreement among the original family members, the PHA will determine which family will retain their placement on the waiting list, or continue in occupancy. In making its determination, the PHA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including a family member who was forced to leave a public housing unit as a result of such actual or threatened abuse....

**Section 3-III.F. Criteria for Deciding to Deny Admission – Consideration of Circumstances**

- Policy

The PHA will consider the following facts and circumstances prior to making its decision:

... The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.F) a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking....



**Section 3-III.G. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Human Trafficking – Notification**

- Policy

The PHA acknowledges that a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the PHA's policies.

While the PHA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the applicant may inform the PHA that their status as a victim is directly related to the grounds for the denial. The PHA will request that the applicant provide enough information to the PHA to allow the PHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

The PHA will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VII.C of this ACOP, a notice of VAWA rights, and a copy of the form HUD- 5382. The PHA will request in writing that an applicant wishing to claim this protection notify the PHA within 14 business days.

**Section 3-III.G. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Human Trafficking – Documentation – *Victim Documentation***

- Policy

If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-VII.D of this ACOP.

**Section 3-III.G. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Human Trafficking – Documentation – *Perpetrator Documentation***

- Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to their belief that the rehabilitation was successfully

completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

## Chapter 4: Applications, Waiting List and Tenant Selection

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### Section 4-II.F. Updating the Waiting List – Purging the Waiting List

- Policy

... If a family is removed from the waiting list for failure to respond, the PHA may reinstate the family if the lack of response was due to PHA error, to circumstances beyond the family's control as a result of a family member's disability, or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking including an adverse factor resulting from such abuse.

### Section 4-III.B. Selection Method – Local Preferences

- Policy

... The PHA will use the following local preferences:

1. Domestic Violence Preference (two points): The PHA will offer a preference to families that include victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking who have either been referred by a partnering service agency or consortia or who are seeking an emergency transfer under VAWA from the PHA's Housing Choice Voucher program or other covered housing program operated by the PHA.

The PHA will work with the following partnering service agencies:

--Department of Social Services

--Domestic Violence organizations

The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval.

## Chapter 5: Occupancy Standards and Unit Offers

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### Section 5-II.D. Refusals of Unit Offers – Good Cause for Unit Refusal

- Policy

Applicants may refuse to accept a unit offer for "*good cause*." *Good cause* includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

... The family demonstrates to the PHA's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders; other court orders; or risk assessments related to witness protection from a law enforcement agency; or documentation of domestic violence,

dating violence, sexual assault, stalking, or human trafficking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

## Chapter 7: Verification

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### Section 7-II.H. Verification of Preference Status

- Policy  
The PHA must verify any preferences claimed by an applicant that determined their placement on the waiting list.

... The PHA also offers a preference for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking as described in Section 4-III.B. To verify that applicants qualify for the preference, the PHA will follow documentation requirements outlined in Section 16-VII.D.

### Section 7-III.F. Assets and Income from Assets – Self-Certification of Real Property Ownership

- Policy  
... If the family declares they have a present ownership in real property, the PHA will obtain third-party verification of the following factors: whether the family has the legal right to reside in the property; whether the family has effective legal authority to sell the property; and whether the property is suitable for occupancy by the family as a residence. However, in cases where a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the PHA will comply with confidentiality requirements under 24 CFR 5.2007 and will accept a self-certification.

## Chapter 12: Transfer Policy

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### Section 12-I.B. Emergency Transfers

- Policy  
The following are considered emergency circumstances warranting an immediate transfer of the tenant or family:

Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, no heat in the building during the winter, no water, toxic contamination, and serious water leaks.

A verified incident of domestic violence, dating violence, sexual assault, stalking, or human trafficking. For instances of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the threat may be established through documentation outlined in Section 16-VII.D. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383)(Exhibit 16-4 of this ACOP), although, the PHA may waive this requirement in order to expedite the transfer process.

The PHA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, stalking, or human trafficking. The PHA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The PHA defines *immediately* available as

a vacant unit that is ready for move-in within a reasonable period of time, not to exceed five business days. If an internal transfer to a safe unit is not immediately available, the PHA will assist the resident in seeking an external emergency transfer either within or outside the PHA's programs.

The PHA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan.

### **Section 12-I.C. Emergency Transfer Procedures**

- Policy

... If the emergency transfer is necessary to protect a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will follow the procedures outlined in Exhibit 16-4.

### **Section 12-III.C. Eligibility for Transfer**

- Policy

Except where reasonable accommodation is being requested, the PHA will only consider transfer requests from residents that meet the following requirements:

Have not engaged in criminal activity that threatens the health and safety of residents and staff

Owe no back rent or other charges, or have a pattern of late payment

Have no housekeeping lease violations or history of damaging property

Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

... Exceptions will also be made when the PHA determines that a transfer is necessary to protect the health or safety of a resident who is victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP. Tenants who are not in good standing may still request an emergency transfer under VAWA.

### **Section 12-III.F. Handling of Requests**

- Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In order to request the emergency transfer under VAWA, the resident will be required to submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP). The PHA may, on a case-by-case basis, waive this requirement and accept a verbal request in order to expedite the transfer process. If the PHA accepts an individual's statement, the PHA will document the acceptance of the statement in the individual's file in accordance with 16-VII.D. of this ACOP. Transfer requests under VAWA will be processed in accordance with the PHA's Emergency Transfer Plan (Exhibit 16-3). In case of a reasonable accommodation transfer, the PHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the PHA will consider the transfer

request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The PHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking in accordance with section 16-VII.D of this ACOP.

#### **Section 12-IV.B. Transfer List**

- Policy

... Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions, VAWA)...

#### **Section 12-IV.D. Good Cause for Unit Refusal**

- Policy

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

... The family demonstrates to the PHA's satisfaction that accepting the offer will place a family member's life, health or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, stalking, or human trafficking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

### **Chapter 13: Lease Terminations**

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#### **Section 13-III.D. Alternatives to Termination of Tenancy – Exclusion of Culpable Household Member**

- Policy

The PHA will consider requiring the tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

As a condition of the family's continued occupancy, the head of household must certify that the culpable household member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former household member's current address upon PHA request.

#### **Section 13-III.E. Criteria for Deciding to Terminate Tenancy – Consideration of Circumstances**

- Policy

The PHA will consider the following facts and circumstances before deciding whether to terminate the lease for any of the HUD required lease provisions or for any other reasons:

... The extent of participation or culpability of the leaseholder, or other household members, in the offending action, including whether the culpable member is a minor, a person with disabilities, or (as discussed further in section 13-III.F) a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking....

### **Section 13-III.F. Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking – Limits on VAWA Protections**

- Policy

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the PHA will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within an immediate time frame

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the tenant wishes to contest the PHA's determination that they are an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

### **Section 13-III.F. Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking – Documentation of Abuse**

- Policy

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, stalking or human trafficking claims protection under VAWA, the PHA will request in writing that the individual provide documentation supporting the claim in accordance with the policies in section 16-VII.D of this ACOP.

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases the PHA will document the waiver in the individual's file.

### **Section 13-III.F. Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking – Terminating or Evicting a Perpetrator of Domestic Violence**

- Policy

The PHA will bifurcate a family's lease and terminate the tenancy of a family member if the PHA determines that the family member has committed criminal acts of physical violence against other

family members or others. This action will not affect the tenancy or program assistance of the remaining, nonculpable family members.

In making its decision, the PHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD- 5382) or other documentation of abuse submitted to the PHA by the victim in accordance with this section and section 16-VII.D. The PHA will also consider the factors in section 13-III.E. Upon such consideration, the PHA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

If the PHA does bifurcate the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP. If the person removed from the lease was the only tenant eligible to receive assistance, the PHA must provide any remaining tenant a chance to establish eligibility for the unit. If the remaining tenant cannot do so, the PHA must provide the tenant reasonable time to find new housing or to establish eligibility for another housing program covered under VAWA.

#### **Section 13-IV.D. Lease Termination Notice – Form, Delivery, and Content of Notice**

- Policy

... All notices of lease termination will also include a copy of the forms HUD-5382 and HUD-5380 to accompany the termination notice. Any tenant who claims that the cause for termination involves domestic violence, dating violence, sexual assault, or stalking of which the tenant or affiliated individual of the tenant is the victim will be given the opportunity to provide documentation in accordance with the policies in section 13-III.F and 16-VII.D.

### **Chapter 16: Program Administration**

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#### **Section 16-V.B. Record Retention**

- Policy

... In addition, the PHA will keep the following records for at least three years:

- Complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act, the equal access final rule, or VAWA

- Confidential records of all emergency transfers related to VAWA requested under the PHA's Emergency Transfer Plan and the outcomes of such requests

#### **Section 16-VII.C. Notification – Notification to Public**

- Policy

The PHA will post the following information regarding VAWA in its offices and on its web site. It will also make the information readily available to anyone who requests it.

- A notice of occupancy rights under VAWA to public housing program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)

A copy of the PHA's emergency transfer plan (Exhibit 16-3)

A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)

Contact information for local victim advocacy groups or service providers

### **Section 16-VII.C. Notification – Notification to Applicants and Tenants**

- Policy

The VAWA information provided to applicants and participants will consist of the notices in Exhibits 16-1 and 16-2.

The PHA will provide all applicants with information about VAWA at the time they request an application for housing assistance. The PHA will also include such information in all notices of denial of assistance (see section 3-III.F).

The PHA will provide all tenants with information about VAWA at the time of admission (see section 8-I.B) and at annual reexamination. The PHA will also include such information in all lease termination notices (see section 13-IV.D).

- Policy

Whenever the PHA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, the PHA may decide not to send mail regarding VAWA protections to the victim's unit if the PHA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, the PHA will take reasonable precautions to ensure that no one can overhear the conversation such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

### **Section 16-VII.D. Documentation**

- Policy

Any request for documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions



on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The PHA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, the PHA will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by the PHA will be in writing.

Once the victim provides documentation, the PHA will acknowledge receipt of the documentation within 10 business days.

#### **Section 16-VII.D. Documentation – Conflicting Documentation**

- Policy

If presented with conflicting certification documents from members of the same household, the PHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made. When requesting third-party documents, the PHA will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If the PHA does not receive third-party documentation within the required timeframe (and any extensions) the PHA will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, the PHA will hold separate hearings for the applicants or tenants.

#### **Section 16-VII.D. Documentation – Discretion to Require No Formal Documentation**

- Policy

If the PHA accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will document acceptance of the statement or evidence in the individual's file.

#### **Section 16-VII.E. Confidentiality**

- Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the PHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

## ADMIN PLAN - APPLICABLE PORTIONS RELATED TO VAWA

### Chapter 2: Fair Housing and Equal Opportunity

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#### Section 2-I.C. Discrimination Complaints – VAWA Complaint Processing

- Policy

Applicants or tenant families who wish to file a VAWA complaint against the PHA may notify the PHA either orally or in writing.

The PHA will advise the family of their right to file a VAWA complaint with HUD’s Office of Fair Housing and Equal Opportunity (FHEO). The PHA will inform the family that not later than one year after an alleged VAWA violation has occurred or terminated, applicants and tenants who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint using FHEO’s online complaint form via mail, email, or telephone.

The PHA will attempt to remedy complaints made against the PHA and will conduct an investigation into all allegations of discrimination.

The PHA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

### Chapter 3: Eligibility

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#### Section 3-I.C. Family Break-Up and Remaining Member of Tenant Family

- Policy

... In the absence of a judicial decision, or an agreement among the original family members, the PHA will determine which family retains their placement on the waiting list, or will continue to receive assistance. In making its decision, the PHA will take into consideration the following factors: ...(3) the interest of any family member who is the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse...

#### Section 3-III.F. Criteria for Deciding to Deny Assistance – Consideration of Circumstances

- Policy

The PHA will consider the following facts and circumstances prior to making its decision:

... The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.H) a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking....

**Section 3-III.H. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking and Human Trafficking – Notification**

- Policy

The PHA acknowledges that a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the PHA’s policies.

While the PHA is not required to identify whether adverse factors that resulted in the applicant’s denial are a result of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the applicant may inform the PHA that their status as a victim is directly related to the grounds for the denial. The PHA will request that the applicant provide enough information to the PHA to allow the PHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

The PHA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-5382. The PHA will request in writing that an applicant wishing to claim protection under VAWA notify the PHA within 14 business days.

**Section 3-III.H. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking and Human Trafficking – Documentation – *Victim Documentation***

- Policy

If an applicant claims the protection against denial of assistance that VAWA provides to victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-IX.D of this plan.

**Section 3-III.H. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking and Human Trafficking – Documentation – *Perpetrator Documentation***

- Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to their belief that the rehabilitation was successfully

completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

**Section 3-III.H. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking and Human Trafficking – Documentation – *Time Frame for Submitting Documentation***

- Policy

The applicant must submit the required documentation with her or his request for an informal review (see section 16-III.D) or must request an extension in writing at that time. If the applicant so requests, the PHA will grant an extension of 10 business days, and will postpone scheduling the applicant’s informal review until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the PHA determines that the family is eligible for assistance, no informal review will be scheduled and the PHA will proceed with admission of the applicant family.

**Section 3-III.H. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, Stalking and Human Trafficking – PHA Confidentiality Requirements**

- Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the PHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

**Chapter 4: Applications, Waiting List and Tenant Selection**

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**Section 4-II.F. Updating the Waiting List – Purging the Waiting List**

- Policy

The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the PHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the PHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant’s name being removed from the waiting list.

The family’s response must be in writing and may be delivered in person, by mail, by email, or by fax. Responses should be postmarked or received by the PHA not later than 15 business days from the date of the PHA letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, the PHA may reinstate the family if it is determined that the lack of response was due to PHA error, or to circumstances beyond the family's control, as a result of a family member's disability, or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including an adverse factor resulting from such abuse.

#### **Section 4-III.C. Selection Method – Local Preferences**

- Policy

The PHA will offer a preference to:

... families that include victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking who have either been referred by a partnering service agency or consortia or is seeking an emergency transfer under VAWA from the PHA's public housing program or other covered housing program operated by the PHA.

The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval...

#### **Chapter 5: Briefings and Voucher Issuance**

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##### **Section 5-I.B. Briefing – Additional Items to be Included in the Briefing Packet**

- Policy

The PHA will provide the following additional materials in the briefing packet:

The form HUD-5380 domestic violence certification form and the form HUD-5382 notice of occupancy rights, which contain information on VAWA protections for victims of domestic violence, dating violence, sexual assault, and stalking

##### **Section 5-I.C. Family Obligations – Family Obligations**

- Policy

The PHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

*Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity

related to, domestic violence, dating violence, sexual assault, stalking or human trafficking will not be considered as serious or repeated lease violations by the victim [see 24 CFR 5.2005(c)(1)].

## **Chapter 7: Verification**

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### **Section 7-II.H. Verification of Preference Status**

- Policy

The PHA will offer a preference to:

... Families that include victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking who have either been referred by a partnering service agency or consortia or is seeking an emergency transfer under VAWA from another covered housing program operated by the PHA.

The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval....

### **Section 7-III.F. Assets and Income from Assets – Self-Certification of Real Property Ownership**

- Policy

... If the family declares they have a present ownership in real property, the PHA will obtain third-party verification of the following factors: whether the family has the legal right to reside in the property; whether the family has effective legal authority to sell the property; and whether the property is suitable for occupancy by the family as a residence. However, in cases where a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the PHA will comply with confidentiality requirements under 24 CFR 5.2007 and will accept a self-certification.

## **Chapter 9: General Leasing Policies**

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### **Section 9-I.G. HAP Contract Execution**

- Policy

... As required under VAWA, once the HAP contract and lease have been executed and the family has been admitted to the program, the PHA will notify families of their rights under VAWA by providing all families with a copy of the domestic violence certification form (HUD-5382) as well as the VAWA notice of occupancy rights (form HUD-5380).

## **Chapter 10: Moving With Continued Assistance and Portability**

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### **Section 10-I.A. Allowable Moves**

- Policy

If a family requests permission to move with continued assistance or for an external transfer to another covered housing program operated by the PHA based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will request that the

resident request the emergency transfer using form HUD-5383, and the PHA will request documentation in accordance with section 16-IX.D of this plan.

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases the PHA will document the waiver in the family's file.

The PHA may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator.

Before granting an emergency transfer, the PHA will ensure the victim is eligible to receive continued assistance based on the citizenship or immigration status of the victim.

The PHA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan.

### **Section 10-II.B. Initial PHA Role – Allowable Moves Under Portability – Applicant Families**

- Policy

If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the initial PHA's jurisdiction at the time that the family's initial application for assistance was submitted, the family must lease a unit within the initial PHA's jurisdiction for at least 12 months before requesting portability.

The PHA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, stalking, or human trafficking.

## **Chapter 12: Termination of Assistance and Tenancy**

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### **Section 12-II.C. Alternatives to Termination of Assistance – Change in Household Composition**

- Policy

As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon PHA request.

### **Section 12-II.D. Criteria for Deciding to Terminate Assistance – Consideration of Circumstances**

- Policy

The PHA will consider the following facts and circumstances when making its decision to terminate assistance:

... The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking...

### **Section 12-II.E. Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking – Limitations on VAWA Protections**

- Policy

In determining whether a program participant who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the PHA will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within an immediate timeframe

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location

If the participant wishes to contest the PHA's determination that they are an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing.

### **Section 12-II.E. Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking – Documentation of Abuse**

- Policy

When an individual facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault, stalking, or human trafficking claims protection under VAWA, the PHA will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-IX.D of this plan.

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases the PHA will document the waiver in the individual's file.

### **Section 12-II.E. Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking – Terminating the Assistance of a Domestic Violence Perpetrator**

- Policy

The PHA will terminate assistance to a family member if the PHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the assistance of the remaining, nonculpable family members.

In making its decision, the PHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the PHA by the victim in accordance with this section. The PHA will also consider the factors in section 12-II.D. Upon such consideration, the PHA may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.



If the PHA does terminate the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations, and the policies in this plan.

#### **Section 12-II.F. Termination Notice**

- Policy

Whenever a family's assistance will be terminated, the PHA will send a written notice of termination to the family and to the owner. The PHA will also send a form HUD-5382 and form HUD-5380 to the family with the termination notice. The notice will state the date on which the termination will become effective. This date generally will be at least 30 calendar days following the date of the termination notice, but exceptions will be made whenever HUD rules, PHA policies, or the circumstances surrounding the termination require. However, if a family vacates the unit without informing the PHA, 30 days notice will not be given. In these cases, the notice to terminate will be sent at the time the PHA learns the family has vacated the unit.

When the PHA notifies an owner that a family's assistance will be terminated, the PHA will, if appropriate, advise the owner of their right to offer the family a separate, unassisted lease.

- Policy

Whenever the PHA decides to terminate a family's assistance because of the family's action or failure to act, the PHA will include in its termination notice the VAWA information described in section 16-IX.C of this plan and a form HUD-5382 and form HUD-5380. The PHA will request in writing that a family member wishing to claim protection under VAWA notify the PHA within 14 business days.

#### **Exhibit 12-1: Statement of Family Obligations**

- Policy

The PHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

*Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used is whether the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, stalking, or human trafficking will not be construed as serious or repeated lease violations by the victim [see 24 CFR 5.2005(c)(1)].

#### **Chapter 16: Program Administration**

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##### **Section 16-VI.B. Record Retention**

- Policy

The PHA will keep for at least three years records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act, the equal access final rule, or VAWA.

### Section 16-IX.C. Notification to Public

- Policy

The PHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault or stalking (Form HUD-5380, see Exhibit 16-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternative Documentation (see Exhibit 16-2)

A copy of the PHA's emergency transfer plan (Exhibit 16-3)

A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers

### Section 16-IX.C. Notification to Program Applicants and Participants

- Policy

The PHA will provide all applicants with information about VAWA at the time they request an application for housing assistance, as part of the written briefing packet, and at the time the family is admitted to the program. The PHA will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).

The PHA will provide all participants with information about VAWA at the time of admission (see section 5-I.B) and at annual reexamination. The PHA will also include information about VAWA in notices of termination of assistance, as provided in section 12-II.F.

The VAWA information provided to applicants and participants will consist of the notices in Exhibits 16-1 and 16-2.

- Policy

Whenever the PHA has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, the PHA may decide not to send mail regarding VAWA protections to the victim's unit if the PHA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, the PHA will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

#### **Section 16-IX.C. Notification to Owners and Managers**

- Policy

The PHA will provide owners and managers with information about their rights and obligations under VAWA when they begin their participation in the program and at least annually thereafter.

The VAWA information provided to owners will consist of the notice in Exhibit 16-5 and a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, and Stalking and Alternate Documentation.

#### **Section 16-IX.D. Documentation**

- Policy

Any request for documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The PHA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, the PHA will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by the PHA will be in writing.

Once the victim provides documentation, the PHA will acknowledge receipt of the documentation within 10 business days.

#### **Section 16-IX.D. Documentation – Conflicting Documentation**

- Policy

If presented with conflicting certification documents) from members of the same household, the PHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made.

When requesting third-party documents, the PHA will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If the PHA does not receive third-party documentation within the required timeframe (and any extensions) the PHA will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, the PHA will hold separate hearings for the applicants or tenants.

#### **Section 16-IX.D. Documentation – Discretion to Require No Formal Documentation**

- Policy

If the PHA accepts an individual’s statement or other corroborating evidence of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will document acceptance of the statement or evidence in the individual’s file.

#### **Section 16-IX.E. Confidentiality**

- Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the PHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

## Significant Amendment/Modification & Substantial Deviation Definitions

**Significant Amendment/Modification:** A change in policy or policies pertaining to the operation of the HHA that impacts:

- ✓ Rent or admissions policies;
- ✓ Organization of the waiting lists;
- ✓ The addition of non-emergency work items valued at \$50,000 or more, i.e., items not included in the current Annual Statement or Five-Year Action Plan; and
- ✓ A proposed demolition, disposition, homeownership, RAD conversion, Capital Fund Financing, development, or mixed finance proposal.

**Substantial Deviation:** An overall change in the direction of the HHA, i.e., its goals and objectives.



**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 3/31/2024

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Michael H. Weber, the Deputy Commissioner, Office of Strategic Management:  
*Official's Name* *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2025-2029 and/or Annual PHA Plan for fiscal year \_\_\_\_\_ of the Harrietstown Housing Authority is consistent with the Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

New York State

*Local Jurisdiction Name*

pursuant to 24 CFR Part 91 and 24 CFR § 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or State Consolidated Plan.

The stated mission and goals of Harrietstown Housing Authority focus on providing clean, safe, and affordable housing, which is consistent with the New York State Consolidated plan.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official:

Michael H. Weber

Title:

Deputy Commissioner, Office of Strategic Management

Signature:



Date: July 5, 2024

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.





**Civil Rights Certification  
(Qualified PHAs)**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB Approval No. 2577-0226  
Expires 3/31/2024

**Civil Rights Certification**

**Annual Certification and Board Resolution**


Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the fiscal year beginning January 1, 2025 in which the PHA receives assistance under 42 U.S.C. 1437f and/or 1437g in connection with the mission, goals, and objectives of the public housing agency and implementation thereof:

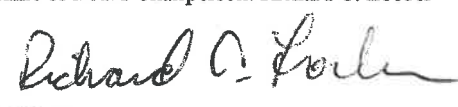
The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d—4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.

Harriestown Housing Authority  
PHA Name

NY087  
PHA Number/HA Code

I hereby certify that all the statement above, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Executive Director: Sarah A. Clarkin  
  
Signature Date 7/17/2024

Name of Board Chairperson: Richard C. Loeber  
  
Signature Date 7/17/2024

The United States Department of Housing and Urban Development is authorized to collect the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. The information is collected to ensure that PHAs carry out applicable civil rights requirements.

Public reporting burden for this information collection is estimated to average 0.16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.



**LIST OF SUPPORTING DOCUMENTS  
AVAILABLE FOR PUBLIC REVIEW**

Most Recent Board-Approved Operating Budget for the Public Housing Program  
Admissions & Continuing Occupancy Policy  
Section 8 Administrative Plan  
Results of Latest Public Housing Assessment System (PHAS) Assessment  
Results of Latest Section 8 Management Assessment System (SEMAP)  
Results of Most Recent Year Financial Audit

