

**PHA 5-Year and Annual Plan**

**U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing**

**OMB No. 2577-0226  
Expires 4/30/2011**

1.0	<b>PHA Information</b> PHA Name: The Housing Authority of the City of Yuma PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing PHA Fiscal Year Beginning: (MM/YYYY): 07/2015 PHA Code: AZ035 <input type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8)														
2.0	<b>Inventory (based on ACC units at time of FY beginning in 1.0 above)</b> Number of PH units: 235 Number of HCV units: 1,194														
3.0	<b>Submission Type</b> <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only														
4.0	<b>PHA Consortia</b> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)														
	Participating PHAs PHA 1: PHA 2: PHA 3:	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	<table border="1"> <thead> <tr> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	No. of Units in Each Program		PH	HCV						
No. of Units in Each Program															
PH	HCV														
5.0	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update.														
5.1	<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:  The Housing Authority of the City of Yuma (HACY) is dedicated to providing professional, efficient, quality services and affordable housing. We will grow and develop to meet the needs of the community.														

5.2

**Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

1. Expand the supply of assisted housing by:
  - Applying for additional rental vouchers when available
  - Leveraging private or other public funds to create additional housing opportunities
2. Improve the quality of assisted housing by:
  - Increasing customer satisfaction
  - Renovating or modernizing public housing units
3. Increase assisted housing choices by:
  - Providing voucher mobility counseling
  - Conducting outreach efforts to potential voucher landlords
  - Implementing voucher homeownership program
  - Implementing public housing or other homeownership programs
4. Improve community quality of life and economic vitality by:
  - Providing low-income housing to the greatest extent practicable using Capital Funds, agency reserves, and funding from outside sources
5. Promote self-sufficiency and asset development of families and individuals by:
  - Increasing the number and percentage of employed persons in assisted families
  - Providing or attracting supportive services to improve assistance recipients' employability
  - Provide or attract supportive services to increase independence for the elderly or families with disabilities
  - Increasing homeownership opportunities to very-low and low income families
  - Collaborating with local, state, and other non-profit agencies to bring goods and services to FSS participants
6. Ensure equal opportunity and affirmatively further fair housing by:
  - Undertaking affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability
  - Undertaking affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required

**Progress in Meeting Goals and Objectives Described in the Previous 5 Year-Plan.**

1. Expand the Supply of Assisted Housing
  - HACY applied and received 25 HUD-VASH Vouchers initially to provide tenant-based rental assistance to homeless veterans and their families.
  - HACY applied and received 16 additional HUD-VASH Vouchers on October 1, 2014.
  - HACY applied and received 15 additional HUD-VASH Vouchers on May 1, 2015.
2. Improve the Quality of Assisted Housing
  - Repainted building exterior for 167 units; replaced 200 toilets, replaced 103 kitchen and bathroom faucets; replaced shower walls and bathtubs in 70 units; replaced water heaters in 28 units; replaced bathroom floors in 14 units; replaced HVAC in 37 units; and replaced appliances in 28 units.
3. Increase Assisted Housing Choices
  - HACY continues to conduct outreach efforts to potential voucher landlords through Annual Landlord Briefings.
  - HACY continues to promote homeownership through its Family Self-Sufficiency (FSS) program. HACY was successfully approved by the National Bank of Arizona as a sub-recipient for the WISH/IDEA program and as a homeownership counseling agency. The WISH/IDEA program will match \$3 for every \$1 our FSS participants invest in a home up to the maximum match of \$5,000 for a total grant of \$15,000. Funds can only be applied towards the down payment and/or traditional closings costs associated with the purchase. This will help our FSS participants borrow less, so at the end of 15 years when the mortgage assistance payments from HUD end, the mortgage payments will be affordable to them. During the past 5 years, our FSS participants have received approximately \$750,000 from the WISH/IDEA program.
4. Improve Community Quality of Life and Economic Vitality
  - HACY received a three year grant funding for a Public Housing Resident Opportunities and Self-Sufficiency (ROSS) Service Coordinator in 2011 and the grant was renewed in 2014 for additional three years. The purpose of the ROSS Service Coordinator is to assess the needs of residents of Public Housing and coordinate available resources in the community to meet those needs. This program works to promote the development of local strategies to coordinate the use of assistance under the Public Housing program with public and private resources, for supportive services and resident empowerment activities. These services should enable participating families to increase earned income, reduce or eliminate the need for welfare assistance, make progress toward achieving economic independence and housing self-sufficiency or, in the case of elderly or disabled residents, help improve living conditions and enable residents to age-in-place. There are currently 42 participants enrolled in the ROSS program. Through the program, 18 residents obtained employment, and 15 families increased their income. The program also provides after school sports activities and tutoring for 31 youths.
5. Promote Self-Sufficiency and Asset Development of Families and Individuals
  - HACY currently has 314 participants enrolled in the FSS program. 179 of the 314 participants built escrows totaling approximately \$542,500, funds which can be utilized to purchase homes, pay off debt, or pay tuition for higher education. During the past five years, we have produced 50 homeowners. Our FSS Homeownership program continues to be one of the best performing programs in the Southwest Region.
6. Ensure Equal Opportunity and Affirmatively Further Fair Housing
  - HACY continues to ensure that housing is provided regardless of race, ethnicity, religion, color, sex, and familial status through its Fair Housing Policy.
  - Annual Fair Housing Training is being provided to all HACY Staff.

**PHA Plan Update**

(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission;

(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.

a) PHA Plan elements that have been revised since last Annual plan submission – Please see attachment.

b) Copies of the 5-Year and Annual PHA Plan are located at the Housing Authority of the City of Yuma 420 S. Madison Avenue Yuma, AZ 85364 and website-www.hacy.org.

**1. Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures** – HACY does not have preferences in both its public housing and HCV programs. HACY is responsible for ensuring that every individual and family admitted to its programs meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by HACY to confirm eligibility and determine the level of the family's assistance. To be eligible for HACY housing programs, the applicant family must qualify as a family as defined by HUD and HACY, have income at or below HUD-specified income limits, qualify on the basis of citizenship or the eligible immigrant status of family members, provide social security number information for family members as required, consent to the HACY's collection and use of family information as provided for in HACY-provided consent forms. HACY must also determine that the current or past behavior of household members does not include activities that are prohibited by HUD or HACY. Depending upon the length of time that applicants may need to wait to be housed, the HACY may use a one- or two-step application process. A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay. A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, HACY initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list. Families may obtain application forms from the HACY's office during normal business hours. Families may also obtain applications from our web site www.hacy.org. Completed applications must be returned to the HACY by mail or submitted in person during normal business hours. Applications must be complete in order to be accepted by HACY for processing. If an application is incomplete, HACY will notify the family of the additional information required. HACY must review each completed application received and make a preliminary assessment of the family's eligibility. HACY must place on the waiting list families for whom the list is open unless it determines the family to be ineligible. Where the family is determined to be ineligible, HACY must notify the family in writing. Where the family is determined to be eligible, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list. Applicants will be placed on the waiting list according to the date and time their complete application is received by HACY. HACY will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards. Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to HUD standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

**2. Financial Resources** – Please see attachment.

**3. Rent Determination** – Resident rents are based on 30 percent of their total household monthly adjusted income. After determining the total annual income for the household, HACY makes any adjustments to the annual income in accordance with HUD regulations. Flat rents are based on 80% of the annual Fair Market Rent (FMR).

**4. Operation and Management** - The goals and objectives of the HACY's Maintenance Department are to maintain each and every development in a condition equal to or greater than the Housing Quality Standards (HQS), and the Uniform Physical Condition Standards (UPCS) requirements, to meet and exceed all maintenance related Public Housing Assessment System (PHAS) indicators, and to properly utilize the existing staff within budget and on schedule. Property Managers and the Maintenance Manager conduct Uniform Physical Standards (UPCS) inspections annually and a monthly preventive maintenance inspection of building systems, building exteriors, site, and common areas. The Property Managers will also conduct a move out inspection in all vacant units and a move in inspection with the resident present at the time of move in. Work orders will be generated for all needed repairs as a result of these inspections. The Maintenance Manager will schedule the necessary maintenance and repair services to correct any unit and equipment deficiencies. All units are also exterminated by a pest control company quarterly and on a as needed basis.

**5. Grievances Procedures** – HACY offers informal and formal hearings to applicants for the purpose of disputing denials of admission and to residents for the purpose of disputing termination of assistance or eviction. A request for an informal hearing must be made in writing and delivered to the HACY either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the HACY's notification of denial of admission. The PHA will schedule and send written notice of the informal hearing within 10 business days of the family's request. The informal hearing will be conducted by a person other than the one who made the decision under review, or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision. The person conducting the informal hearing will make the decision as to whether admission should be granted or denied. If admission is denied by the informal hearing officer, the applicant may request a formal hearing within 10 business days of the informal hearing decision. They may present additional evidence or facts. The formal hearing officer will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the formal hearing to the applicant and his or her representative, if any.

6.0

**6. Designated Housing for Elderly and Disables Families** – HACY does not have any designated housing for elderly and disables families.

**7. Community Service and Self-Sufficiency** – (1) Under HACY FSS Program's direction, our assisted families are offered financial literacy, budgeting, educational opportunities, credit repair, job readiness, resume preparation, employment search, homeownership certification, down payment assistance, HCV mortgage assistance, etc., (2) HACY's HCV FSS, PH FSS, and PH ROSS programs provide enhancement of the economic and social self-sufficiency of our assisted families. (3) Each adult resident of the HACY, who is not exempt, must contribute 8 hours per month of community service; or participate in an economic self-sufficiency program (as defined in the regulations) for 8 hours per month; or perform 8 hours per month of combined activities (community service and economic self-sufficiency programs).

**8. Safety and Crime Prevention** – HACY employs an investigator who patrols our public housing properties and reports any criminal/suspicious activities to the Yuma Police Department. In addition, Maintenance Technicians inspect the properties weekly after dark to ensure that all exterior lighting is working properly.

**9. Pets** – Pets must be registered with the HACY before they are brought onto the premises. Registration include documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration may be renewed annually and will be coordinated with the annual reexamination date. Pets will not be approved to reside in a unit until completion of the registration requirements. Reptiles, rodents, insects, arachnids, wild animals or feral animals, pot-bellied pigs, animals used for commercial breeding are not considered common household pets. Any animal whose adult weight will exceed 25 pounds, dogs of any breed (including mixed breeds), ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations and any animal not permitted under state or local law or code are not permitted. Residents may own a maximum of one pet. The exception is the maximum number of birds allowed is two. In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 pet.

**10. Civil Rights Certification** – HACY staff shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin. Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18. HACY will not discriminate on the basis of marital status or sexual orientation as well. Please also see attached Form HUD-50077-CR.

**11. Fiscal Year Audit** – FYE June 30, 2014, HACY received a clean audit with no findings and no significant deficiencies.

**12. Asset Management** – HACY operates 235 public housing units, therefore, not required to convert to asset management.

**13. Violence Against Women ACT (VAWA)** – HACY continues to comply with VAWA to support and assist victims of domestic violence, dating violence, sexual assault, or stalking. To protect certain victims as well as members of the victims' immediate families from losing their HUD assisted housing as a consequence of the abuse of which they were the victims. Our program participants are provided a copy of the Notification of Rights under VAWA as part their initial move-in/lease-up and annual re-examination packet.

	<b>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.</b> <i>Include statements related to these programs as applicable.</i>
7.0	HACY currently has 312 Family Self-Sufficiency participants. In 2014, there were 11 graduates of which 6 became home owners. HACY currently administers 34 Project-based Vouchers. On 12/31/2013, HACY submitted an application to convert all 235 of its Public Housing units to the Rental Assistance Demonstration Program (RAD). Two meetings with residents to discuss about the RAD conversion were held on 11/22/2013 and 11/26/2013. On 10/17/2014, HUD has determined that HACY's application would meet the eligibility requirements set forth in the RAD notice if Congress authorizes an increase in the number of units eligible for RAD. <b>Please see attachment.</b>
8.0	<b>Capital Improvements.</b> Please complete Parts 8.1 through 8.3, as applicable. <b>"Please see HUD Form 50075.2 approved by HUD on June 2010."</b>
8.1	<b>Capital Fund Program Annual Statement/Performance and Evaluation Report.</b> As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> , form HUD-50075.1, for each current and open CPP grant and CFFP financing. <b>Please see attachment.</b>
8.2	<b>Capital Fund Program Five-Year Action Plan.</b> As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i> , form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. <b>Please see attachment.</b>
8.3	<b>Capital Fund Financing Program (CFFP).</b> <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.  N/A

**Housing Needs.** Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

**Housing Needs of Families on the PHA's Waiting Lists**

Waiting list type:(select one)

- Section 8 tenant-based assistance
- Public Housing
- Combined Section 8 and Public Housing
- Public Housing Site-Based or sub-jurisdictional waiting list (optional)

If used, identify which development/subjurisdiction:

	# of families	% of total families	Annual Turnover
Waiting list total	1,216		46
Extremely low income <=30% AMI	1,144	84	
Very low income (>30% but <=50%AMI)	31	13	
Low income (>50% but <80% AMI)	40	2	
Families with children	749		
Elderly families	129		
Families with Disabilities	8		
Race/ethnicity - White	331		
Race/ethnicity - Black/African American	47		
Race/ethnicity - American Indian	32		
Race/ethnicity - Asian	9		
Characteristics by Bedroom size (PH only)			
1 BR	416		0
2 BR	542		9
3 BR	237		26
4 BR	15		9
5 BR	6		2
5+ BR			

9.0

**Housing Needs of Families on the PHA's Waiting Lists**

Waiting list type:(select one)

- Section 8 tenant-based assistance
- Public Housing
- Combined Section 8 and Public Housing
- Public Housing Site-Based or sub-jurisdictional waiting list (optional)

If used, identify which development/subjurisdiction:

	# of families	% of total families	Annual Turnover
Waiting list total	1201		160
Extremely low income <=30% AMI	1,097	91	
Very low income (>30% but <=50%AMI)	39	3	
Low income (>50% but <80% AMI)	53	4	
Families with children	801		
Elderly families	124		
Families with Disabilities	8		
Race/ethnicity - White	763		
Race/ethnicity - Black/African American	84		
Race/ethnicity - American Indian	61		
Race/ethnicity - Asian	10		

The Public Housing waitlist is currently open. The Section 8 waitlist will reopen on July 1<sup>st</sup>, 2015 and will remain open indefinitely.

An analysis of the housing needs of families on the Public Housing and Section 8 Waitlists indicate a strong need for housing for extremely low income families (under 30% of AMI) and for families with children. HACY's waitlists for both programs are healthy and the average wait for assistance is between 24 to 36 months.

<p>9.1</p>	<p><b>Strategy for Addressing Housing Needs.</b> Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. <b>Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</b></p> <ol style="list-style-type: none"> <li>1. Maximize the number of affordable units available to PHA within its current resources by: <ul style="list-style-type: none"> <li>• Employing effective maintenance and management policies to minimize the number of public housing units off-line</li> <li>• Maintaining or increasing section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction</li> <li>• Undertaking measures to ensure access to affordable housing among families assisted by the PHA, regardless of the unit size required</li> <li>• Maintaining or increasing section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration</li> <li>• Maintaining or increasing section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program</li> <li>• Participating in the Consolidated development process to ensure coordination with broader community strategies</li> </ul> </li> <li>2. Increase the number of affordable housing units by: <ul style="list-style-type: none"> <li>• Applying for additional section 8 units should they come available</li> <li>• Leveraging affordable housing resources in the community through the creation of mixed finance housing</li> <li>• Pursuing housing resources other than public housing or Section 8 tenant-based assistance</li> </ul> </li> <li>3. Target available assistance to families at or below 30% of AMI by: <ul style="list-style-type: none"> <li>• Employing admissions preferences aimed at families with economic hardships</li> <li>• Adopting rent policies to support and encourage work</li> </ul> </li> <li>4. Target available assistance to families at or below 50% of AMI by: <ul style="list-style-type: none"> <li>• Employing admissions preferences aimed at families who are working</li> <li>• Adopting rent policies to support and encourage work</li> </ul> </li> <li>5. Target available assistance to the elderly by: <ul style="list-style-type: none"> <li>• Applying for special-purpose vouchers targeted to elderly, should they become available</li> </ul> </li> <li>6. Target available assistance to Families with Disabilities by: <ul style="list-style-type: none"> <li>• Applying for special-purpose vouchers targeted to families with disabilities, should they become available</li> <li>• Affirmatively marketing to local non-profit agencies that assist families with disabilities</li> </ul> </li> <li>7. Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs by: <ul style="list-style-type: none"> <li>• Affirmatively marketing to races/ethnicities shown to have disproportionate housing needs</li> </ul> </li> <li>8. Conduct activities to affirmatively further fair housing by: <ul style="list-style-type: none"> <li>• Counseling section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units</li> <li>• Marketing the section 8 program to owners outside of areas of poverty/minority concentrations</li> </ul> </li> </ol>
<p>10.0</p>	<p><b>Additional Information.</b> Describe the following, as well as any additional information HUD has requested.</p> <p>(a) <b>Progress in Meeting Mission and Goals.</b> Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.</p> <p>(b) <b>Significant Amendment and Substantial Deviation/Modification.</b> Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"</p> <p>(a) <b>Progress in Meeting Mission and Goals:</b></p> <p>HACY continues to meet its mission and goals. HACY continues to grow and develop to meet the needs of the community by applying for more housing vouchers when available and maintaining high occupancy rate in Public Housing and high lease-up rate in our Section 8 HCV program. HACY has also met goals in the areas of promoting homeownership and family self-sufficiency to our program participants. HACY's FSS program continues to be one of the largest and most successful in the State of Arizona.</p> <p>(b) <b>Significant Amendment and Substantial Deviation/Modification:</b></p> <p>A "Significant Amendment" to our Plan would be a policy change in our delivery of the program that would have an impact on the applicants and residents we currently serve. (c.g., changes to admission policies and/or changes to the organization of the waitlist.)</p> <p>A "Substantial Deviation/Modification" to our Plan would be changes to HACY's overall mission, policies, and/or goals and objectives that affect services to our program participants.</p>

11.0	<p><b>Required Submission for HUD Field Office Review.</b> In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. <b>Note:</b> Faxed copies of these documents will not be accepted by the Field Office.</p> <ul style="list-style-type: none"> <li>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</li> <li>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</li> <li>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</li> <li>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</li> <li>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</li> <li>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. <b>“No Comments from RAB” – Please see attachment.</b></li> <li>(g) Challenged Elements</li> <li>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</li> <li>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</li> </ul>
------	--

**Housing Authority of the City of Yuma  
2015 Changes in Administrative Plan for Section 8 and Admissions & Continued Occupancy  
Policy (ACOP) for Public Housing**

<b>Change in Policy</b>	<b>Program</b>	<b>Current Policy</b>	<b>New Policy</b>
Chapter 3: Eligibility 3-III.C Previous Behavior in Assisted Housing Adm. Plan: Pg. 3-22 Chapter 3: Eligibility 3-III.C. Previous Behavior ACOP: Pg. 3-23	Both	Any family member has been evicted from federally-assisted housing in the past three years.  Has a pattern of eviction from housing or termination from residential programs within the past three years (considering relevant circumstances)	Any family member has been evicted from federally-assisted housing in the past <b>five</b> years.  Has a pattern of eviction from housing or termination from residential programs within the past <b>five</b> years (considering relevant circumstances)
Chapter 4: Applications, Waiting List and Tenant Selection 4-III.E. The Application Interview Admin Plan: Pg. 4-15	Section 8	The head of household and the spouse/co head will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/co head may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to the PHA.	The head of household and the spouse/co head and adult family members (18 years and over) must attend interview together.



<p>Chapter 6: Income &amp; Rent Determination</p> <p>6-I.L. Additional Exclusions from Annual Income</p> <p>ACOP: Pg. 6-33, 34</p> <p>Admin Plan: Pg.6-33</p>	<p>Both</p>	<p>Remove text “representative” from the 4<sup>th</sup> paragraph of the PHA policy</p>	<p>The interview will be conducted only if the head of household or spouse/co head provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity). If the family does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.</p>
		<p>Added text new (p) (x), (y) and (z)</p>	<p>(p) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida</p> <p>(x) Any amounts in an “individual development account” as provided by the Assets for Independence Act, as amended in 2002</p> <p>(y) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013-30, “Exclusion from Income of Payments under Recent Tribal Trust Settlements”(25 U.S.C. 117b(a))</p>

<p>6-III.E. Flat Rents and Family Choice in Rents ACOP: Pg. 6-56</p> <p>Change in Flat Rents ACOP: Pg. 6-57</p>	<p>Public Housing</p>	<p>There is no utility allowance or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by the PHA is the amount the family pays.</p> <p>Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit [PH Occ GB, pp. 137-138].</p>	<p>(z) Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations</p> <p>Deleted text</p> <p>Deleted text</p> <p>Added new text, and changed the last PHA Policy</p> <p><b>Phasing In Flat Rents [Notice PIH 2014-12]</b></p> <p>For current residents whose rent would increase as a result of new flat rent requirements, the PHA must restrict the increases to no more than 35 percent of the current tenant rent per year. This would necessitate a phase-in of the rent increase.</p>
---	-----------------------	---	---

<p>Chapter 8: Housing Quality Standards and Rent Reasonableness Determinations</p> <p>8-I.B. Additional Local Requirements</p> <p>Admin Plan: Pg. 8-4</p>	<p>Section 8</p>	<p>Added subhead for Toilets below Sinks and added text</p>	<p><b>Flat Rent Impact Analysis Calculation</b></p> <p>In order to conduct a flat rent impact analysis, the PHA must multiply the family's current rent amount by 1.35 and compare the result to the flat rent under the PHA's policies.</p> <p><u>PHA Policy</u></p> <p>The PHA will conduct a flat rent impact analysis to determine the percentage increase in the family's rent amount. If the increase is greater than 35 percent, the PHA will phase in the rent increase at the maximum amount annually over a three-year period so that it does not exceed 35 percent in any year until the flat rent is fully phased in. If the increase is 35 percent or less, there will be no phase-in. [Notice PIH 2014-12].</p>
		<p><i>Toilets</i></p> <p>All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.</p>	

<p>Chapter 8: Housing Quality Standards and Rent Reasonableness Determinations</p> <p>8-I.F. Violation of HQS Space Standards</p> <p>Admin Plan: Pg. 8-9</p>	<p>Section 8</p>	<p>Added CFR reference into title</p> <p>Added text into 7<sup>th</sup> paragraph</p>	<p>24 CFR 982.401</p> <p>A dwelling unit must:</p> <ul style="list-style-type: none"> <li>• Provide adequate space and security for the family</li> <li>• Have at least one bedroom or living/sleeping room for each two persons</li> </ul> <p>A unit that does not meet these HQS space standards is defined as overcrowded,</p> <p>A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space HCV GB p. 10-6. A bedroom or living/sleeping room must have at least:</p> <ul style="list-style-type: none"> <li>• One window</li> <li>• Two electrical outlets in proper operating condition (permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets)</li> </ul> <p>Changed to: is overcrowded</p>
<p>Changed text: does not meet the HQS space standards</p>			

<p>Chapter 11: Interim Reexaminations</p> <p>11-II.B. Changes in Family and Household Composition</p> <p>Adm. Plan: Pg. 11-8</p>	<p>Section 8</p>	<p><b>If it will require the family to transfer to a larger size unit (Chapter 5),</b> the PHA will not approve the addition of new family or household members other than by birth, adoption, court-awarded custody, or marriage, unless the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by the PHA. Exceptions will be made on a case-by case basis.</p>	<p><b>If it will require the PHA to issue a larger size Voucher,</b> the PHA will not approve the addition of new family or household members other than by birth, adoption, court-awarded custody, or marriage, unless the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by the PHA. Exceptions will be made on a case-by case basis.</p>
--	------------------	--	--



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410

October 17, 2014

Michael Morrissey, Executive Director  
Yuma City Housing Authority  
420 S. Madison Avenue  
Yuma, AZ 85364

Dear Executive Director Morrissey:

Thank you for your application under the Rental Assistance Demonstration (RAD) for the conversion of assistance of 235 units at the following PIC Development(s):

<u>Property Name</u>	<u>PIC Number</u>	<u>Units</u>	<u>Section 8 Program</u>
CITY OF YUMA H. A.	AZ035000001	235	PBRA

The Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. 112-55, dated November 18, 2013, authorized the Department to convert up to 60,000 units to Section 8 assistance under the Rental Assistance Demonstration program (RAD). As noted in the Secretary's letter of February 20, 2014, the Department received applications for more than 176,000 units as of the end of calendar year 2013 and has now received applications for 8,924 additional units through August 31, 2014. The Secretary's letter also indicated that HUD would fully review applications for units (above the 60,000 unit cap) and provide contingent approval of those applications that met applicable eligibility requirements.

Therefore, the Department has completed the review of the applications described above in accordance with the requirements of Notice 2012-32 REV-1, Rental Assistance Demonstration – Final Implementation, dated July 2, 2013 (RAD Notice). The Department has determined that, were HUD to receive authority to convert assistance pursuant to RAD for additional units, the application(s) from your agency would meet the eligibility requirements set forth in the RAD Notice.

If Congress authorizes an increase in the number of units eligible for RAD, the Department will review each contingently approved application in accordance with all applicable statutory, regulatory and program requirements applicable at that time to determine if a Commitment to enter into a Housing Assistance Payment (CHAP) can be issued. If the Department determines that a CHAP cannot be issued, the Department will notify you regarding the status of your application.

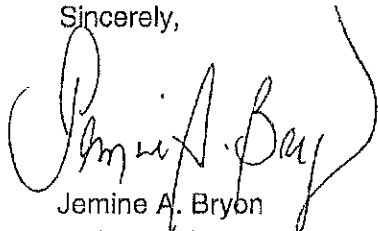
It is important to note that this contingent approval does not constitute a commitment on HUD's behalf or a notice to proceed to convert the units proposed in the application. Please note this letter is not a CHAP. In addition, it does not constitute a commitment on behalf of HUD to approve Choice Mobility exemptions that may have been requested in the application.

The Department continues to process the applications that were deemed eligible under the 60,000 unit cap. In the event any of the applications being processed under the 60,000 unit cap are withdrawn, rejected or the proposed number of units is decreased, applicants on the wait list with contingent approvals may be eligible to receive a CHAP on a first-come, first serve basis and consistent with any and all applicable requirements.

The Department reminds all applicants that as you consider a RAD preservation strategy, all applicable public housing statutes and requirements continue to apply; this includes those requirements related to procurement and resident occupancy. Your agency should also closely review requirements for RAD tenant relocation which can be found at HUD Notice H 2014-09 and PIH 2014-17 "Relocation Requirements under the Rental Assistance Demonstration (RAD) Program, Public Housing in the First Component" dated July 14, 2014. And, as is true for all subsidized housing programs, Title VI of the Civil Rights Act of 1964 applies.

If you require additional assistance or have any questions, please contact [radapplications@hud.gov](mailto:radapplications@hud.gov).

Sincerely,



Jemine A. Bryon  
Acting Assistant Secretary  
Office of Public and Indian Housing



for Carol Galante  
Assistant Secretary for Housing—  
Federal Housing Commissioner



# HOUSING AUTHORITY OF THE CITY OF YUMA

420 South Madison Avenue

Yuma, Arizona 85364

[www.hacy.org](http://www.hacy.org)



Michael J. Morrissey  
Executive Director

Phone: (928) 782-3823 ext.128  
Fax: (928) 376-0399

## Meeting Notice

To: All Public Housing Residents

From: Housing Authority of the City of Yuma (HACY)  
Executive and Public Housing Management

Date: Friday, November 22, 2013 at 6:00 PM  
Vince Nelson Apartments - Community Room - 2030 Avenue A

Tuesday, November 26, 2013 at 6:00 PM  
HACY Apartments - Community Room - 1635 West 3<sup>rd</sup> Street

Re: **Meeting to Discuss Rental Assistance Demonstration (RAD)**

---

HACY will be hosting an informative meeting to discuss its intention to apply for the U.S. Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) Program.

RAD seeks to "preserve public housing" by providing Public Housing Agencies (PHAs) with access to more stable funding to make needed improvements to properties.

Public Housing units across the country need billions of dollars in repairs (capital needs), and Congress has not provided enough funding for PHAs to keep up with its needs.

RAD allows PHAs access to unique funding contracts that can have up to 20-year terms. Additionally, it allows PHAs access to borrow funding and obtain mixed-financing opportunities that will enable PHAs to make improvements essential for preserving Public Housing.

Even though a RAD conversion will allow access to funding to make needed repairs and improvements, the PHA will still receive rental subsidies for residents from HUD through either the Project-Based Voucher (PBV) or Project Based Rental Assistance (PBRA) Programs.

HUD encourages residents and their PHAs to work together during the RAD application and conversion process; therefore, we are inviting you to meet with us and begin the discussion.

Please plan to attend one of the Meetings scheduled above. Thank you





## **Rental Assistance Demonstration (RAD) Meeting**

Housing Authority City of Yuma  
2030 S. Avenue A Yuma, Arizona

Minutes from November 22, 2013

### **Present**

Elvira Hernandez	655 Magnolia Avenue #25
Dennis Bender	655 Magnolia Avenue #25
Reinalda Valle	2030 S Avenue A #26
Monica Heredia	2030 S Avenue A #3
Francisco Silva	1635 W 3 <sup>rd</sup> Street #5
Rosa Silva	1635 W 3 <sup>rd</sup> Street #5
Martha Salazar	2078 S Walnut Avenue #17
Rosa Isais	2030 S Avenue A #5
Margarita Diaz	2030 S Avenue A #11
Victor Smith	655 Magnolia Avenue #24
Maribel Romero	2030 S Avenue A #34
Zuleyma Arellano	2030 S Avenue A #21
Guadalupe Juarez	2030 S Avenue A #19
Diana Coronado	2030 S Avenue A #18
Rhonda Cozart	2030 S Avenue A #20
Alberto Gutierrez	2030 S Avenue A #8
Lourdes Moreno	2030 S Avenue A #16

### **Staff**

Michael Morrissey, Executive Director  
Howard Tang, Deputy Director  
Lupe Lewis, Director of Human Resources and Community Services  
Diana Munoz, Community Service Specialist  
Susana Chavez, Property Manager

### **Preliminaries**

A meeting to discuss Rental Assistance Demonstration (RAD) was held on November 22, 2013 at 6:00 p.m. at 2030 South Avenue A, Community Room.

### **Report**

Michael Morrissey introduced himself and all staff in attendance. He explained that everything discussed would be translated by Diana Munoz for all Spanish speaking residents. He also explained that everyone would have the opportunity to ask questions.

### What is RAD and Why is it Needed?

RAD seeks to “preserve public housing” by providing PHAs with access to more stable funding to make needed improvements to properties.

Public housing units across the country need more than \$26 billion in repairs. HUD refers to these costs as capital needs. Congress has not provided enough funding for PHAs to keep up with capital needs.

*HACY has received a significant reduction in funding for capital needs over the years, but our properties are getting older and in much need of repairs and site improvements.*

### How Does a RAD Conversion Work?

HUD allows PHAs to manage their property using one of two types of HUD funding contracts:

1. Section 8 Project-Based Voucher (PBV)
2. Section 8 Project-Based Rental Assistance (PBRA)

PBV and PBRA contracts are 15 or 20 years long and are more stable funding sources.

This shift will make it easier for PHAs to leverage resources and borrow money.

It will enable PHAs to make improvements essential for preserving public housing.

There is a competitive application process for HUD selection of PHAs eligible for RAD.

### Will a RAD Conversion Affect My Housing Assistance?

Residents will not lose housing assistance or be re-screened because of RAD conversion.

### Will a RAD Conversion Affect My Rent?

Resident rent contribution will (most likely) be the same as it was under public housing – generally no more than 30% of household’s adjusted gross income. (Variable = Flat Rent).

### How Can Residents Be Involved in the RAD Process?

HUD encourages residents and PHAs to work together during RAD application and conversion process.

The PHA will submit resident comments and responses to HUD as part of the RAD application.

### Will a RAD Conversion Require a Change to the PHA Plan?

A RAD conversion is a “Significant Amendment” to the PHA Plan. If selected, the PHA will comply with the resident and public hearing requirements before the final RAD conversion is approved.

### Will I Have to Move if My Home or Building is Rehabbed?

Most needed repairs made as part of a RAD conversion are likely to be small and you will be able to stay in your home during construction.

However, some apartments and buildings will require more extensive rehab. In these cases, you will be temporarily relocated as provided by the Uniform Relocation Act (URA). You will have the right to return to your development once construction is completed.

In some cases, current housing may be too old or deteriorated or face other consideration where it can be effectively rehabilitated, requiring that it be demolished, replaced, or vacated for various reasons. In these instances, you will be provided temporary relocation where needed and you will have the right to return to the replacement or new housing that is constructed.

Before RAD:

1. Properties are typically not funded at 100% in public housing
2. In public housing, PHA's cannot borrow money to perform the necessary repairs
3. The funding fails to keep up with the deteriorating living conditions of residents
4. Residents cannot choose to move without losing housing assistance

After RAD:

1. Properties are placed on a more stable Section 8 funding platform
2. PHAs and owners can more easily borrow money and perform rehabilitation work
3. The living conditions of residents are improved
4. Residents may receive a tenant-based voucher, or similar assistance, and move after one-year in PBV and two-years in PBRA

Will RAD Increase My Ability to Choose Where I Live?

In addition to improved, better quality housing, you will have greater choice in where to live through the RAD "choice-mobility Option." If you would like to move after your development undergoes a RAD conversion, you may request and receive a Housing Choice Voucher (HCV).

Under the PBV program, this option will be available after living in a RAD property for one year; under the PBRA program, you may request a HCV after living in a RAD property for two years.

Will RAD Affect Resident Rights and Participation?

Overall, your experience as a resident should not change very much, if at all, due to RAD conversion.

Will I Still Be Able to Participate in Self-Sufficiency Programs?

If you are a current participant in the Resident Opportunities and Self-Sufficiency (ROSS) program, you can continue to participate until all of the current program funding is used.

You will also be able to participate in the Family Self-Sufficiency (FSS) program. If your property converts assistance to PBV, you will be automatically moved from the public housing FSS program to the Housing Choice Voucher (HCV) FSS program. The rules in both programs are very similar.

If your property converts assistance to PBRA, you may continue your participation in the FSS program until your current contract of participation ends.

**Resident Questions/Comments**

Francisco Silva asked if the properties converted to RAD would Public Housing end?

- Mr. Morrissey stated that the public housing units/properties would not disappear, but the type of funding to support it would change.

Francisco Silva asked that in the event he switched to Section 8, would HACY maintenance continue repairing the units?

- Mr. Morrissey stated that the Section 8 Program was an alternative program and the owner/landlord of the related unit is responsible for maintenance related issues.

Maribel Romero asked if everyone relocated to Section 8, would it have a negative impact on HACY?

- Mr. Morrissey stated that the Section 8 Program was an alternative program from RAD, and any household moving to Section 8 would be replaced by another resident/household in RAD.

Maribel Romero asked if anyone would be able to rent the RAD units?

- Mr. Morrissey stated that existing public housing residents would remain in the units, and new residents would need to be eligible for the program.

Reyna Valle asked if RAD would be statewide.

- Mr. Morrissey stated that the application only applied to Housing Authority of the City of Yuma, but the program is gaining attention nationwide.

Reyna Valle inquired about Portability?

- Mr. Morrissey stated that per the RAD program residents may receive a tenant-based voucher, or similar assistance, and move after one-year in PBV and two-years in PBRA

Guadalupe Juarez asked when the RAD conversion would occur.

- Mr. Morrissey stated that the application is due to HUD by December 31, 2013.

Martha Salazar asked what would happen during the conversion when a lease ends.

- Mr. Morrissey stated that everyone would be given notice of any changes that affect them.

Monica Heredia asked if she is allowed to make improvements to her yard; for example flowers and pots?

- Mr. Morrissey stated that plants are allowed and residents are encouraged to maintain there area.

**Adjournment -**

Meeting was adjourned at 6:35 pm

Respectfully submitted,

Dated this 22<sup>nd</sup> Day of November 2013

Attest:



Michael Morrissey, Executive Director



## **Rental Assistance Demonstration (RAD) Meeting**

Housing Authority City of Yuma  
2030 S. Avenue A Yuma, Arizona

Minutes from November 26, 2013

### **Present**

Vercie Wilson	655 Magnolia Avenue #21
Kelly Cowger	655 Magnolia Avenue #26
Natalia Rodriguez	1350 W Colorado Street #6
William Schwaderer	220 S. Magnolia Avenue #2
Maria Schwaderer	220 S. Magnolia Avenue #2
Cynthia Shook	1350 W. Colorado Street #5
Elvira Maldonado	750 S. 1 <sup>st</sup> Avenue #6
Victoria Osuna	1635 W 3 <sup>rd</sup> Street #6
Ynocente Sanchez	1635 W 3 <sup>rd</sup> Street #6
Melisa Lopez	280 S. Magnolia Avenue #5
Alonso Lopez	280 S. Magnolia Avenue #5
Maria Caro	1635 W. 3 <sup>rd</sup> Street #8
Rosa I. Valenzuela	280 S. Magnolia Avenue # 11
Teresa Campos	2030 S. Avenue A #12
Ruth Gonzalez	452 Vaughn Avenue

### **Staff**

Michael Morrissey, Executive Director  
Howard Tang, Deputy Director  
Lupe Lewis, Director of Human Resources and Community Services  
Diana Munoz, Community Service Specialist  
Susana Chavez, Property Manager

### **Preliminaries**

A meeting to discuss Rental Assistance Demonstration (RAD) was held on November 26, 2013 at 6:02 p.m. at 2030 South Avenue A, Community Room.

### **Report**

Michael Morrissey introduced himself and all staff in attendance. He explained that everything discussed would be translated by Diana Muñoz for all Spanish speaking residents. He also explained that everyone would have the opportunity to ask questions.

### What is RAD and Why is it Needed?

RAD seeks to “preserve public housing” by providing PHAs with access to more stable funding to make needed improvements to properties.

Public housing units across the country need more than \$26 billion in repairs. HUD refers to these costs as capital needs. Congress has not provided enough funding for PHAs to keep up with capital needs.

*HACY has received a significant reduction in funding for capital needs over the years, but our properties are getting older and in much need of repairs and site improvements.*

### How Does a RAD Conversion Work?

HUD allows PHAs to manage their property using one of two types of HUD funding contracts:

1. Section 8 Project-Based Voucher (PBV)
2. Section 8 Project-Based Rental Assistance (PBRA)

PBV and PBRA contracts are 15 or 20 years long and are more stable funding sources.

This shift will make it easier for PHAs to leverage resources and borrow money.

It will enable PHAs to make improvements essential for preserving public housing.

There is a competitive application process for HUD selection of PHAs eligible for RAD.

### Will a RAD Conversion Affect My Housing Assistance?

Residents will not lose housing assistance or be re-screened because of RAD conversion.

### Will a RAD Conversion Affect My Rent?

Resident rent contribution will (most likely) be the same as it was under public housing – generally no more than 30% of household’s adjusted gross income. (Variable = Flat Rent).

### How Can Residents Be Involved in the RAD Process?

HUD encourages residents and PHAs to work together during RAD application and conversion process.

The PHA will submit resident comments and responses to HUD as part of the RAD application.

### Will a RAD Conversion Require a Change to the PHA Plan?

A RAD conversion is a “Significant Amendment” to the PHA Plan. If selected, the PHA will comply with the resident and public hearing requirements before the final RAD conversion is approved.

### Will I Have to Move if My Home or Building is Rehabbed?

Most needed repairs made as part of a RAD conversion are likely to be small and you will be able to stay in your home during construction.

However, some apartments and buildings will require more extensive rehab. In these cases, you will be temporarily relocated as provided by the Uniform Relocation Act (URA). You will have the right to return to your development once construction is completed.

In some cases, current housing may be too old or deteriorated or face other consideration where it can be effectively rehabilitated, requiring that it be demolished, replaced, or vacated for various reasons. In these instances, you will be provided temporary relocation where needed and you will have the right to return to the replacement or new housing that is constructed.

Before RAD:

1. Properties are typically not funded at 100% in public housing
2. In public housing, PHA's cannot borrow money to perform the necessary repairs
3. The funding fails to keep up with the deteriorating living conditions of residents
4. Residents cannot choose to move without losing housing assistance

After RAD:

1. Properties are placed on a more stable Section 8 funding platform
2. PHAs and owners can more easily borrow money and perform rehabilitation work
3. The living conditions of residents are improved
4. Residents may receive a tenant-based voucher, or similar assistance, and move after one-year in PBV and two-years in PBRA

Will RAD Increase My Ability to Choose Where I Live?

In addition to improved, better quality housing, you will have greater choice in where to live through the RAD "choice-mobility Option." If you would like to move after your development undergoes a RAD conversion, you may request and receive a Housing Choice Voucher (HCV).

Under the PBV program, this option will be available after living in a RAD property for one year; under the PBRA program, you may request a HCV after living in a RAD property for two years.

Will RAD Affect Resident Rights and Participation?

Overall, your experience as a resident should not change very much, if at all, due to RAD conversion.

Will I Still Be Able to Participate in Self-Sufficiency Programs?

If you are a current participant in the Resident Opportunities and Self-Sufficiency (ROSS) program, you can continue to participate until all of the current program funding is used.

You will also be able to participate in the Family Self-Sufficiency (FSS) program. If your property converts assistance to PBV, you will be automatically moved from the public housing FSS program to the Housing Choice Voucher (HCV) FSS program. The rules in both programs are very similar.

If your property converts assistance to PBRA, you may continue your participation in the FSS program until your current contract of participation ends.

## Resident Questions/Comments

Vercie Wilson asked if they would need to move or look for a different unit under RAD?

- Mr. Morrissey stated that residents would remain in the same unit unless the property or community needed extensive repairs. In the event that they needed to move then the HACY would be responsible for finding an alternate unit and moving expenses.
- Mr. Tang added that this is a conversion from conventional housing to RAD.

Kelly Cowger asked if rent would change after RAD conversion.

- Mr. Tang stated that rent would be calculated the same unless the family selected Flat Rent. Flat Rent would no longer be an option.

Victoria Osuna asked if contract terms would change to 15 or 20 years?

- Ms. Munoz stated that leases would continue at 12 months.

Cynthia Shook asked when the RAD conversion would occur.

- Mr. Morrissey stated that the application will be submitted prior to December 31, 2013. No changes will occur if the application is not approved.

Nola Perez asked why would we meet if prior to RAD approval?.

- Mr. Morrissey stated that meeting with residents is a requirement of the application and to determine if residents are interested in converting.

Nola Perez asked if they would be notified of approval.

- Mr. Morrissey stated that residents will receive information via U.S. Mail.

Cynthia Shook asked if the resident would lose assistance during the conversion?.

- Mr. Morrissey stated that assistance would remain in place. Under RAD the resident can relocate within one or two years, depending on the program selected.

Nola Perez asked if maintenance would improve.

- Mr. Morrissey stated that some projects would be contracted and some would be completed by current maintenance.

María Schwaderer stated that she is very thankful for the HACY's interest in improving housing and supports the agency.

- Mr. Morrissey thanked her for the support.

Tammy Evans -- Behavioral Health Case worker for Nola Perez asked when the approval or denial of the conversion is anticipated?

- Mr. Morrissey stated that once the application is submitted they would be notified. Notification is expected within 3 months after application due date. In the event the agency is not selected it is very likely that we will reapply.
- Mr. Morrissey added that in the event the agency is selected, a committee may be organized to assist in the RAD conversion.



**Adjournment -**

Meeting was adjourned at 6:47 pm

Respectfully submitted,

**Dated this 26<sup>th</sup> Day of November 2013**

**Attest:**



---

**Michael Morrissey, Executive Director**

# Rental Assistance Demonstration (RAD)

11/22/2013

2030 S Avenue A

Sign-In Sheet

PRINT NAME	PHONE #	Address	Signature
ELIXIA ANDER		655 Magnolia Ave. #25	ELVIRA
Dennis Bender	928 502 2438	655 Magnolia #25	Dennis Bender
Bernarda Valle	928 978-0702	2030 S Ave A #26	Bernarda Valle
Monica Heredia	928 988 2894	2030 S Ave A #3	<del>Monica Heredia</del>
FRANCISCO SILVA	(928) 376-0091	1635 W 3rd St. Apt 5	<del>Francisco Silva</del>
Rosa Silva	(928) 376-0091	1635 W 3rd St. Apts	<del>Rosa Silva</del>
Martha Salazar	(928) 2572186	2078 S Walnut #7	Martha D.
Rosa Tsais	928) 261-1596	2030 S AVE A #5	Rosa Tsais
Marguerite D...	928) 383-35-53	2030 S AVE A #11	<del>Marguerite D...</del>
Victor Smith	928) 488-4030	655 Magnolia	Victor Smith
Maribel Romero	(928) 488-9424	2030 S Ave #34	<del>Maribel Romero</del>
Zuleyma Arellano	(928) 388-3534	2030 S Ave A #21	Zuleyma Arellano
Beatrice Lopez	928) 343-0939	2030 S Ave A #19	<del>Beatrice Lopez</del>
Diana Coronado	(928) 588-14-77	2030 S. AVE A #18	Diana Coronado



# Rental Assistance Demonstration (RAD)

11/26/2013

1635 W 3rd Street

Sign-In Sheet



PRINT NAME	PHONE #	Address	Signature
VERCIE WILSON	(928) 329-4759	655- SO. MAGNOLIA AVE YUMA, ARIZONA 85334 #21	<i>Vercie Wilson</i>
Kelly Cowger	928) 304-9863	655 S Magnolia Ave #26 Yuma, AZ. 85364	<i>Kelly Cowger</i>
NATALIA RODRIGUEZ	(928) 247-2501	1350 W. Colorado St #20 Yuma AZ 85364	<i>Natalia Rodriguez</i>
WILLIAM SCHWABERER	(928) 782-0889	220-SUR. MAGNOLIA AVE YUMA AZ. 85365 #2	<i>William Schwaberer</i>
MARIA SCHWABERER	(928) 782-0889	220-SUR-Magnolia AVE #2 YUMA AZ. 85365	<i>x Maria Schwaberer</i>
Cynthia Shook	(928) 329-4443	1350 W. Colorado St #5	<i>Cynthia Shook</i>
Elvira Maldonado	(928) 848-3120	750 S 1 <sup>st</sup> AVE H 6	<i>Elvira Maldonado</i>
Victoria Osuna	(928) 793-5231	1635 W 3rd St #6	<i>Victoria Osuna</i>
Vincente Sanchez	(928) 783-5221	1635 W 3rd St #6	<i>Vincente Sanchez</i>
Melisa Lopez	(928) 343-2169	280 S. Magnolia Ave. Apt #5	<i>Melisa Lopez</i>
Alonso Perez	(928) 488-8008	280 S Magnolia Ave #5	<i>Alonso Perez</i>
Nola Perez	(928) 919-1272	2240 S. Arizona Ave #B	<i>Nola Perez</i>
Maria Caro	928) 271-3994	1635 W. 3rd St #8 Yuma AZ. 85364	<i>Maria Caro</i>
Jose F. Dominguez	(928) 261-6974	380 S. Magnolia Ave #H1	<i>Jose F. Dominguez</i>

**Rental Assistance Demonstration (RAD)**

11/26/2013

1635 W 3rd Street

Sign-in Sheet

PRINT NAME	PHONE #	Address	Signature
Teresa Campos	(928) 772-37-28	2030 S Ave A Apt #12	
Ruth (Campos)	(602) 849-75 08	452 Vaughn Ave.	

PAMMY

**Capital Fund Program—Five-Year Action Plan**

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 08/31/2011

<b>Part I: Summary</b>						
PHA Name/Number	Housing Authority of the City of Yuma	Locality (City/County & State)	Yuma AZ	Original 5-Year Plan	Revision No:	
A.	Development Number and Name	Work Statement for Year 1 FFY 2015	Work Statement for Year 2 FFY 2016	Work Statement for Year 3 FFY 2017	Work Statement for Year 4 FFY 2018	Work Statement for Year 5 FFY 2019
B.	Physical Improvements Subtotal	Annual Statement	135,000	207,500	267,250	266,500
C.	Management Improvements		50,000	50,000	50,000	50,000
D.	PHA-Wide Non-dwelling Structures and Equipment		105,000	70,000		
E.	Administration		41,500	40,000	46,425	41,000
F.	Other					
G.	Operations		90,000	90,000	90,000	90,000
H.	Demolition					
I.	Development					
J.	Capital Fund Financing - Debt Service					
K.	Total CFP Funds					
L.	Total Non-CFP Funds					
M.	Grand Total		421,500	457,500	453,675	447,500

**Part I: Summary (Continuation)**

PHA Name/Number Development Number and Name	Locality (City/county & State) Work Statement for Year 2 FFY 2016	Work Statement for Year 1 FFY 2015	Original 5-Year Plan			Revision No: Work Statement for Year 5 FFY 2019
			Work Statement for Year 3 FFY 2017	Work Statement for Year 4 FFY 2018	Work Statement for Year 5 FFY 2019	
		<b>Annual Statement</b>				
PHA-Wide	286,500		250,000	186,425	181,000	
AZ16P035001	3,000		20,000	45,000	68,500	
AZ16P035003	0		60,000	0	134,000	
AZ16P035004	15,000		35,000	34,500	12,000	
AZ16P035005	64,500		35,000	25,000	0	
AZ16P035007	17,500		0	32,500	0	
AZ16P035008	0		17,500	34,500	52,000	
AZ16P035013	35,000		40,000	95,750	0	







**Part III: Supporting Pages – Management Needs Work Statement(s)**

Work Statement for Year 1 FFY 2015	Work Statement for Year 2016 FFY		Work Statement for Year:2017 FFY	
	Development Number/Name General Description of Major Work Categories	Estimated Cost	Development Number/Name General Description of Major Work Categories	Estimated Cost
See Annual Statement	Operations Step-Up program Computer & software improvement Admin Salary & Benefits Replace 3 Office Vehicles	90,000 35,000 15,000 41,500 105,000	Operations Step-Up program Computer & software improvement Admin Salary & Benefits Replace 2 Office Vehicles	90,000 35,000 15,000 40,000 70,000
Subtotal of Estimated Cost		\$286,500	Subtotal of Estimated Cost	\$250,000



Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 3/31/2014

Part I: Summary		Grant Type and Number		Replacement Housing Factor Grant No:		FFY of Grant: 2012	
PHA Name: Housing Authority of the City of Yuma		Capital Fund Program Grant No: AZ2R0355012		Date of CFP: 02/22/2011		FFY of Grant Approval: 2012	
Line	Type of Grant	Original	Revised Annual Statement (revision no: 3 )		Total Actual Cost		
			Total Estimated Cost	Revised <sup>3</sup>	Obligated	Expended	
1	Total non-CFP Funds						
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	162,903.05	162,903.05	162,903.05	162,903.05	162,903.05	
3	1408 Management Improvements	16,651.67	18,262.05	18,262.05	18,262.05	18,262.05	
4	1410 Administration (may not exceed 10% of line 21)	29,900	29,900	29,900	29,900	29,900	
5	1411 Audit						
6	1415 Liquidated Damages						
7	1430 Fees and Costs						
8	1440 Site Acquisition						
9	1450 Site Improvement	639.47	630.47	630.47	630.47	630.47	
10	1460 Dwelling Structures	61,634	60,032.62	60,032.62	60,032.62	55,310.94	
11	1465.1 Dwelling Equipment—Nonexpendable	28,005.81	28,005.81	28,005.81	28,005.81	28,005.81	
12	1470 Non-dwelling Structures						
13	1475 Non-dwelling Equipment						
14	1485 Demolition						
15	1492 Moving to Work Demonstration						
16	1495.1 Relocation Costs						
17	1499 Development Activities <sup>1</sup>						
18a	1501 Collateralization or Debt Service paid by the PHA						
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment						
19	1502 Contingency (may not exceed 8% of line 20)						
20	Amount of Annual Grant: (sum of lines 2 – 19)	299,734	299,734	299,734	299,734	295,012.32	
21	Amount of line 20 Related to LBP Activities						
22	Amount of line 20 Related to Section 504 Activities						
23	Amount of line 20 Related to Security – Soft Costs						
24	Amount of line 20 Related to Security – Hard Costs						
25	Amount of line 20 Related to Energy Conservation Measures						

<sup>1</sup> To be completed for the Performance and Evaluation Report.

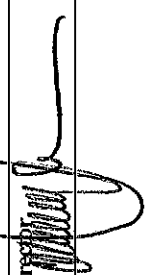
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.

<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 3/31/2014

<b>Part I: Summary</b>		FFY of Grant: 2012	
PHA Name: Housing Authority of the City of Yuma		FFY of Grant Approval: 2012	
Grant Type and Number Capital Fund Program Grant No: AZ010655012		Replacement Housing Factor Grant No:	
Date of CFFP: 02/22/2011			
Type of Grant	Reserve for Disasters/Emergencies	Revised Annual Statement (revision no: 3 )	
Original Annual Statement	Performance and Evaluation Report for Period Ending:	Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost <sup>1</sup>
		299,734	Obligated 299,734 Expended 295,012.32
Signature of Executive Director	Date	Signature of Public Housing Director	
	3/13/15		

Part II: Supporting Pages							
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Grant Type and Number Capital Fund Program Grant No: AZ16P0350012 Replacement Housing Factor Grant No:	Development Account No.	Quantity	Total Estimated Cost Original Revised	Total Actual Cost Funds Obligated Funds Expended	Status of Work
PHA-Wide	Operations		1406		162,661.27 162,903.05	162,903.05	Complete
PHA-Wide	Computer & Software Improvements		1408				Dropped
PHA-Wide	Step-Up		1408		17,532.92	16,651.67	Complete
PHA-Wide	Executive Staff Salary and Fringe Benefits		1410		29,900	29,900	Complete
AZ16P035003	Exterior painting 18 units at 280/260/275		1460		14,750	14,750	Complete
AZ16P035003	Replace tubs & shower walls 60 units		1460		46,884	45,282.62	In progress
AZ16P035008	Replace washer boxes at 280		1465.1		8,455	8,455	Complete
AZ16P0350013	Replace water heaters 28 units		1465.1		19,550.81	19,550.81	Complete
PHA-Wide	Replace concrete throughout properties		1450		639.47	630.47	Complete

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>2</sup> To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 3/31/2014

Part II: Supporting Pages									
PHA Name: Housing Authority of the City of Yuma		Grant Type and Number Capital Fund Program Grant No. AZRFR0550112 Replacement Housing Factor Grant No.			CFFP (Yes/ No):		Federal FFY of Grant: 2012		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Funds Obligated	Funds Expended		

1 To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
 2 To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: Housing Authority of the City of Yuma					Federal FFY of Grant: 2012
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
PHA-Wide	3/11/2014	6/30/2013	3/11/2016	12/31/2013	Completed earlier than expected
AZ16P035003	3/11/2014	6/30/2013	3/11/2016		
AZ16P035008	3/11/2014	3/31/2013	3/11/2016	3/31/2013	Completed earlier than expected
AZ16P0350013	3/11/2014	12/31/2012	3/11/2016	12/31/2012	Completed earlier than expected

Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.



Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 3/31/2014

Part III: Implementation Schedule for Capital Fund Financing Program

PHA Name:		Federal FFY of Grant:			
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates <sup>1</sup>
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 3/31/2014

Part I: Summary		Grant Type and Number	Replacement Housing Factor Grant No.	FFY of Grant: 2013
PHA Name: Housing Authority of the City of Yuma		Capital Fund Program Grant No: AZR0550113		FFY of Grant Approval: 2013
		Date of CFP: 09/09/2013		
Type of Grant	Reserve for Disasters/Emergencies	Revised Annual Statement (revision no: 5)	Final Performance and Evaluation Report	
Original Annual Statement Performance and Evaluation Report for Period Ending:	Revised Annual Statement (revision no: 5)	Total Estimated Cost	Obligated	Expended
Line	Summary by Development Account	Original	Revised <sup>5</sup>	Total Actual Cost
1	Total non-CFP Funds			
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	90,000	90,000	90,000
3	1408 Management Improvements	51,167.23	51,310.74	46,252.18
4	1410 Administration (may not exceed 10% of line 21)	31,611	31,611	36,611
5	1411 Audit			
6	1415 Liquidated Damages			
7	1430 Fees and Costs			
8	1440 Site Acquisition			
9	1450 Site Improvement	37,367.44	35,767.44	30,767.44
10	1460 Dwelling Structures	97,836.41	97,749.05	81,649.05
11	1465.1 Dwelling Equipment - Nonexpendable	3,151.15	0	0
12	1470 Non-dwelling Structures			
13	1475 Non-dwelling Equipment	4,971.77	9,666.77	9,666.77
14	1485 Demolition			
15	1492 Moving to Work Demonstration			
16	1495.1 Relocation Costs			
17	1499 Development Activities <sup>4</sup>			
18a	1501 Collateralization or Debt Service paid by the PHA			
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment			
19	1502 Contingency (may not exceed 8% of line 20)			
20	Amount of Annual Grant. (sum of lines 2 - 19)	316,105	316,105	294,946.44
21	Amount of line 20 Related to LBP Activities			
22	Amount of line 20 Related to Section 504 Activities			
23	Amount of line 20 Related to Security - Soft Costs			
24	Amount of line 20 Related to Security - Hard Costs			
25	Amount of line 20 Related to Energy Conservation Measures			

<sup>1</sup> To be completed for the Performance and Evaluation Report.

<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.

<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 3/31/2014

<b>Part I: Summary</b>		FFY of Grant: 2013	
PHA Name: Housing Authority of the City of Yuma		Replacement Housing Factor Grant No:	
Grant Type and Number Capital Fund Program Grant No: AZR0355013		FFY of Grant Approval: 2013	
Date of CFFP: 09/09/2013			
Type of Grant	Reserve for Disasters/Emergencies	Revised Annual Statement (revision no: 5 )	
Original Annual Statement	Performance and Evaluation Report for Period Ending:	Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost <sup>1</sup>
		Original Revised	Obligated
		316,105	295,005
Signature of Executive Director		Expended 294,946.44	
Date		Date	
3/13/15		Signature of Public Housing Director	

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 3/31/2014

Part II: Supporting Pages									
PHA Name: Housing Authority of the City of Yuma		Grant Type and Number Capital Fund Program Grant No: AZ16P0350013 Replacement Housing Factor Grant No:			CFPP (Yes/ No):		Federal FFY of Grant: 2013		
Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Funds Obligated	Funds Expended		
PHA-Wide	Operations	1406		90,000	90,000	90,000	90,000	Complete	
PHA-Wide	Computer & Software Improvements	1408		3,168.23	3,311.74	3,191.29	3,191.29	Complete	
PHA-Wide	GPNA/Energy Audit	1408		12,999	12,999	12,999	12,999	Complete	
PHA-Wide	Step-Up	1408		35,000	35,000	35,000	29,941.44	In progress	
PHA-Wide	Replace Auto Transmission	1475		3,213.77	3,213.77	3,213.77	3,213.77	Complete	
PHA-Wide	Replace Office A/C Unit Compressor	1475		1,758	1,758	1,758	1,758	Complete	
PHA-Wide	Replace Office HVAC Unit	1475		0	4,695	4,695	4,695	Complete	
PHA-Wide	Executive Staff Salary and Fringe Benefits	1410		31,611	31,611	31,611	31,611	Complete	
AZ16P035001	Replace kitchen/bathroom faucets 28 units	1460		13,846	14,561.14	14,561.14	14,561.14	Complete	
AZ16P035001	Patio floor tiles for patio floors at 1350	1460		7,100	7,100	0	0	Complete	
AZ16P035003	Patch/Seal/Stripe parking lots at 280 & 655	1450		11,987.20	11,987.20	11,987.20	11,987.20	Complete	
AZ16P035003	Plaster block wall fences at 280 & 655	1450		3,500	0	0	0	Dropped	
AZ16P035003	Replace concrete at 280, 655, & 175	1450		5,000	5,000	0	0	Complete	
AZ16P035003	Exterior Painting 32 units at 655	1460		26,875	26,875	26,875	26,875	Complete	
AZ16P035003	Replace main sewer pipes at 280	1450		0	0	0	0	Dropped	
AZ16P035003	Weather stripping 50 units at 280, 655, & 175	1460		1,500	1,500	0	0	Complete	
AZ16P035004	Patio floor tiles for patio floors at 656	1460		6,000	6,000	0	0	Complete	
AZ16P035004	Replace kitchen/bathroom faucets 29 units	1460		14,845.41	14,042.91	14,042.91	14,042.91	Complete	
AZ16P035004	Replace A/C Unit 1836 S. 1 <sup>st</sup> Ave #A	1465.1		3,151.15	0	0	0	Dropped	

<sup>1</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>2</sup> To be completed for the Performance and Evaluation Report.





**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name:		Federal FFY of Grant:			
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates <sup>1</sup>
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 3/31/2014

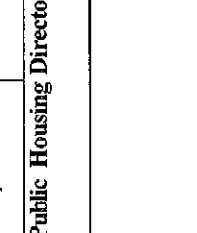
Part I: Summary		Grant Type and Number	Replacement Housing Factor Grant No:	FFY of Grant: 2014
PHA Name: Housing Authority of the City of Yuma		Capital Fund Program Grant No: AZ2R0855014		FFY of Grant Approval: 2014
		Date of CFP: 05/13/2014		
Type of Grant	Reserve for Disasters/Emergencies	Revised Annual Statement (revision no: )	Total Actual Cost	
Original Annual Statement Performance and Evaluation Report for Period Ending:	Revised Annual Statement (revision no: )	Final Performance and Evaluation Report	Obligated	Expended
Line	Summary by Development Account	Total Estimated Cost		
1	Total non-CFP Funds			
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	90,000	90,000	37,500
3	1408 Management Improvements	50,000	35,000	
4	1410 Administration (may not exceed 10% of line 21)	29,883.80	29,883.80	2,469.39
5	1411 Audit			
6	1415 Liquidated Damages			
7	1430 Fees and Costs			
8	1440 Site Acquisition			
9	1450 Site Improvement	6,300		
10	1460 Dwelling Structures	122,654.20	108,927.50	108,927.50
11	1465.1 Dwelling Equipment—Nonexpendable			
12	1470 Non-dwelling Structures			
13	1475 Non-dwelling Equipment			
14	1485 Demolition			
15	1492 Moving to Work Demonstration			
16	1495.1 Relocation Costs			
17	1499 Development Activities <sup>4</sup>			
18a	1501 Collateralization or Debt Service paid by the PHA			
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment			
19	1502 Contingency (may not exceed 8% of line 20)			
20	Amount of Annual Grant: (sum of lines 2 – 19)	298,838	263,811.30	148,896.89
21	Amount of line 20 Related to LBP Activities			
22	Amount of line 20 Related to Section 504 Activities			
23	Amount of line 20 Related to Security – Soft Costs			
24	Amount of line 20 Related to Security – Hard Costs			
25	Amount of line 20 Related to Energy Conservation Measures			

<sup>1</sup> To be completed for the Performance and Evaluation Report.  
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.  
<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.  
<sup>4</sup> RHF funds shall be included here.



Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 3/31/2014

<b>Part I: Summary</b>		<b>FFY of Grant: 2014</b>	
PHA Name: Housing Authority of the City of Yuma		Replacement Housing Factor Grant No:	
Grant Type and Number Capital Fund Program Grant No: AZR053314 Date of CFFP: 05/13/2014		FFY of Grant Approval: 2014	
Type of Grant	Reserve for Disasters/Emergencies	Revised Annual Statement (revision no: )	
Original Annual Statement Performance and Evaluation Report for Period Ending:		Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost <sup>1</sup>
		Original Revised	Obligated Expended
		298,838 3/31/15	263,811.30 148,896.89
Signature of Executive Director		Date	Date
		3/31/15	
		Signature of Public Housing Director	







**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name:		Federal FFY of Grant: 2014			
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates <sup>1</sup>
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1957, as amended.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 OMB No. 2577-0226  
 Expires 3/31/2014

Part I: Summary		Grant Type and Number	Replacement Housing Factor Grant No:	FFY of Grant: 2015
PHA Name: Housing Authority of the City of Yuma		Capital Fund Program Grant No: A22P0355015		FFY of Grant Approval: 2015
		Date of CFP: 04/13/2015		
Type of Grant	Reserve for Disasters/Emergencies	Revised Annual Statement (revision no: )	Total Actual Cost	
Original Annual Statement Performance and Evaluation Report for Period Ending:	Revised Annual Statement (revision no: )	Final Performance and Evaluation Report	Obligated	Expended
Line	Summary by Development Account	Total Estimated Cost	Revised	Total Actual Cost
1	Total non-CFP Funds			
2	1406 Operations (may not exceed 20% of line 21) <sup>3</sup>	90,000		
3	1408 Management Improvements	55,000		
4	1410 Administration (may not exceed 10% of line 21)	32,346.50		
5	1411 Audit			
6	1415 Liquidated Damages			
7	1430 Fees and Costs			
8	1440 Site Acquisition			
9	1450 Site Improvement	32,653.50		
10	1460 Dwelling Structures	86,615		
11	1465.1 Dwelling Equipment—Nonexpendable	26,850		
12	1470 Non-dwelling Structures			
13	1475 Non-dwelling Equipment			
14	1485 Demolition			
15	1492 Moving to Work Demonstration			
16	1495.1 Relocation Costs			
17	1499 Development Activities <sup>4</sup>			
18a	1501 Collateralization or Debt Service paid by the PHA			
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment			
19	1502 Contingency (may not exceed 8% of line 20)			
20	Amount of Annual Grant: (sum of lines 2 - 19)	323,465		
21	Amount of line 20 Related to LBP Activities			
22	Amount of line 20 Related to Section 504 Activities			
23	Amount of line 20 Related to Security – Soft Costs			
24	Amount of line 20 Related to Security – Hard Costs			
25	Amount of line 20 Related to Energy Conservation Measures			

<sup>1</sup> To be completed for the Performance and Evaluation Report.

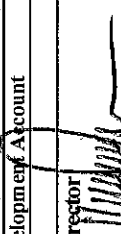
<sup>2</sup> To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

<sup>3</sup> PHAs with under 250 units in management may use 100% of CFP Grants for operations.

<sup>4</sup> RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report  
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and  
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 3/31/2014

<b>Part I: Summary</b>		FFY of Grant: 2015	
PHA Name: Housing Authority of the City of Yuma		Replacement Housing Factor Grant No:	FFY of Grant Approval: 2015
Grant Type and Number Capital Fund Program Grant No: AZR053015 Date of CFFP: 04/13/2015			
Type of Grant Original Annual Statement Performance and Evaluation Report for Period Ending: Reserve for Disasters/Emergencies		Revised Annual Statement (revision no: ) Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost <sup>1</sup>
		Original Revised	Obligated Expended
		323,465	
Signature of Executive Director 		Signature of Public Housing Director	
Date		Date	
		3/2/15	









**Part III: Implementation Schedule for Capital Fund Financing Program**

PHA Name:		Federal FFY of Grant: 2015			
Development Number Name/PHA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates <sup>1</sup>
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	

<sup>1</sup> Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

## PART I: NONDISCRIMINATION

### 2-I.A. OVERVIEW

Federal laws require PHAs to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. The PHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012
- The Violence against Women Act of 2013 (VAWA)
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

#### PHA Policy

No state or local nondiscrimination laws or ordinances apply.

## **PART III: DENIAL OF ADMISSION**

### **3-III.A. OVERVIEW**

A family that does not meet the eligibility criteria discussed in Parts I and II must be denied admission.

In addition, HUD requires or permits the PHA to deny admission based on certain types of current or past behaviors of family members as discussed in this part. The PHA's authority in this area is limited by the Violence against Women Act of 2013 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking

[24 CFR 5.2005(b)].

This part covers the following topics:

- Required denial of admission
- Other permitted reasons for denial of admission
- Screening
- Criteria for deciding to deny admission
- Prohibition against denial of admission to victims of domestic violence, dating violence, sexual assault, or stalking
- Notice of eligibility or denial

### **3-III.B. REQUIRED DENIAL OF ADMISSION [24 CFR 960.204]**

PHAs are required to establish standards that prohibit admission of an applicant to the public housing program if they have engaged in certain criminal activity or if the PHA has reasonable cause to believe that a household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

Where the statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, the PHA may choose to continue that prohibition for a longer period of time [24 CFR 960.203(c)(3)(ii)].

**Previous Behavior [960.203(c) and (d) and PH Occ GB, p. 48]**

HUD authorizes the PHA to deny admission based on relevant information pertaining to the family's previous behavior and suitability for tenancy.

In the event of the receipt of unfavorable information with respect to an applicant, the PHA must consider the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). As discussed in Section 3-III.F, the PHA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence, sexual assault or stalking.

PHA Policy

The PHA will deny admission to an applicant family if the PHA determines that the family:

Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past three years

Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three years which may adversely affect the health, safety, or welfare of other tenants

Has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances)

Owes rent or other amounts to this or any other PHA or owner in connection with the HCV, Moderate Rehabilitation, Section 8-Project Based or Public Housing Programs, unless the family repays the full amount of the debt prior to being selected from the waiting list.

Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent

Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program

Has engaged in or threatened violent or abusive behavior toward PHA personnel

*Abusive or violent behavior towards PHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny admission, the PHA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, the PHA may, on a case-by-case basis, decide not to deny admission.

The PHA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

## PHA Policy

The PHA will consider the following factors prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that denial of admission may have on other members of the family who were not involved in the action or failure

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, or stalking.

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

The PHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

### **3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Definitions of key terms used in VAWA are provided in section 16-VII of this ACOP, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

#### **Notification**

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of rights and the form HUD-50066 at the time the applicant is denied.

##### PHA Policy

The PHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the PHA's policies. Therefore, if the PHA makes a determination to deny admission to an applicant family, 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 as well as including a copy of the form HUD-50066. The PHA will request that an applicant wishing to claim this protection notify the PHA within 10 business days.

#### **Documentation**

##### ***Victim Documentation [24 CFR 5.2007]***

##### PHA Policy

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

##### ***Perpetrator Documentation***

##### PHA 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 his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

## 5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

### PHA Policy

Applicants must accept or refuse a unit offer within 5 business days of the date of the unit offer.

Offers made by telephone will be confirmed by letter.

## 5-II.D. REFUSALS OF UNIT OFFERS

### **Good Cause for Unit Refusal**

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)].

### PHA 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 unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

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, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, sexual assault, or stalking 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.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.

## **8-I.B. LEASE ORIENTATION**

### PHA Policy

After unit acceptance but prior to occupancy, a PHA representative will conduct a lease orientation with the family. The head of household or spouse is required to attend.

### **Orientation Agenda**

#### PHA Policy

When families attend the lease orientation, they will be provided with:

- A copy of the lease

- A copy of the PHA's grievance procedure

- A copy of the house rules

- A copy of the PHA's schedule of maintenance charges

- A copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse

- A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19

- Information about the protections afforded by the Violence against Women Act of 2013 (VAWA) to victims of domestic violence, dating violence, sexual assault, and stalking (see section 16-VII.C)

Topics to be discussed and explained to all families include:

- Applicable deposits and all other charges

- Review and explanation of lease provisions

- Unit maintenance request and work orders

- The PHA's interim reporting requirements

- Review and explanation of occupancy forms

- Community service requirements

- Family choice of rent

- VAWA protections

### 12-III.C. ELIGIBILITY FOR TRANSFER

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the PHA may establish other standards for considering a transfer request [PH Occ GB, p. 150].

#### PHA 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)

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the PHA's advantage to make the transfer. Exceptions may also be made when the PHA determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

## **12-III.F. HANDLING OF REQUESTS**

### **PHA Policy**

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

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, or stalking in accordance with section 16-VII.D of this ACOP.

If the family does not meet the “good record” requirements under Section 12-III.C., the manager will address the problem and, until resolved, the request for transfer will be denied.

The PHA will respond within ten (10) business days of the submission of the family’s request. If the PHA denies the request for transfer, the family will be informed of its grievance rights.

### **13-III.B. MANDATORY LEASE PROVISIONS [24 CFR 966.4(I)(5)]**

This section addresses provisions for lease termination that must be included in the lease agreement according to HUD regulations. Although the provisions are required, HUD does not require PHAs to terminate for such violations in all cases, therefore PHA policies are needed.

#### ***Definitions* [24 CFR 5.100]**

The following definitions will be used for this and other parts of this chapter:

*Affiliated individual* is defined in section 16-VII.B.

*Covered person* means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

*Dating violence* is defined in section 16-VII.B.

*Domestic violence* is defined in section 16-VII.B.

*Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].

*Drug-related criminal activity* means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

*Guest* means a person temporarily staying 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.

*Household* means the family and PHA-approved live-in aide. The term household also includes foster children and/or foster adults that have been approved to reside in the unit [HUD-50058, Instruction Booklet, p. 65].

*Other person under the tenant's control* means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.

*Premises* means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

*Sexual assault* is defined in section 16-VII.B.

*Stalking* is defined in section 16-VII.B.

*Violent criminal activity* means 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.



# HOUSING AUTHORITY OF THE CITY OF YUMA

420 South Madison Avenue  
Yuma, Arizona 85364  
[www.hacy.org](http://www.hacy.org)



Michael J. Morrissey  
Executive Director

Phone: (928) 782-3823  
Fax: (928) 343-2595

## Resident Advisory Board Meeting March 4<sup>th</sup>, 2015

### Approval of HACY's 5-Year and Annual Plan FY 2015-2016

Board Member's Name: Wendy M. Herrera / Sign: Wendy M. Herrera

Board Member's Name: Ellen McCluskey / Sign: Ellen McCluskey

Board Member's Name: Matthew G. Fernandez / Sign: Matthew G. Fernandez

Board Member's Name: Stardene Thilges / Sign: Stardene Thilges

Board Member's Name: Christina Reyes / Sign: Christina Reyes

Board Member's Name: Cynthia Lavaca / Sign: Cynthia Lavaca

1. Comments or recommendations on 5-Year and Annual Plan for Fiscal Year 2015-2016?

None

2. Comments or recommendations on Capital Fund Program Five-Year Action Plan?

None

3. Comments or recommendations on Capital Fund Program Annual Statement /Performance and Evaluation Reports?

None



# HOUSING AUTHORITY OF THE CITY OF YUMA

420 South Madison Avenue  
Yuma, Arizona 85364  
[www.hacy.org](http://www.hacy.org)



Michael J. Morrissey  
Executive Director

Phone: (928) 782-3823  
Fax: (928) 343-2595

## Resident Advisory Board Meeting March 4<sup>th</sup>, 2015

### Approval of HACY's 5-Year and Annual Plan FY 2015-2016

Board Member's Name: Catalina Hall / Sign: Catalina Hall

Board Member's Name: \_\_\_\_\_ / Sign: \_\_\_\_\_

Board Member's Name: \_\_\_\_\_ / Sign: \_\_\_\_\_

Board Member's Name: \_\_\_\_\_ / Sign: \_\_\_\_\_

Board Member's Name: \_\_\_\_\_ / Sign: \_\_\_\_\_

Board Member's Name: \_\_\_\_\_ / Sign: \_\_\_\_\_

1. Comments or recommendations on 5-Year and Annual Plan for Fiscal Year 2015-2016?

*None*

2. Comments or recommendations on Capital Fund Program Five-Year Action Plan?

*None*

3. Comments or recommendations on Capital Fund Program Annual Statement /Performance and Evaluation Reports?

*None*



AFFP

Public Hearing Notice Notice

# Affidavit of Publication

STATE OF ARIZONA }  
COUNTY OF YUMA } SS

**Public Hearing Notice**

Notice is given that the Housing Authority of the City of Yuma will hold a public hearing to discuss the Housing Authority's Revision of their 5 year and Annual Plan. Said hearing will be held on Monday, March 16, 2015 at HACY, 420 S. Madison Avenue, Yuma, Arizona 85364 at 5:00 p.m. the public is invited to attend this meeting to make comments on the revisions.

Lisa Reilly or Kathy White, being duly sworn, says:

Prior to the meeting the Agency Plan will be available for inspection by the public Monday thru Thursday from 8 am to 4 pm at the Housing Authority of the City of Yuma at 420 S. Madison Avenue, Yuma AZ 85364. For More information call Howard Tang at (928)782-3823 ext. 127

That she is Publisher or Business Manager of the Yuma Sun, a daily newspaper of general circulation, printed and published in Yuma, Yuma County, Arizona; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

**Noticia De Audincia Publica**

El Departamento de Vivienda de la Cuidad de Yuma (HACY) ha revisado su Plan de 5 años y Plan Annual de la Agencia de Vivienda Publica e invita a todo el public a revisar y discutir estos cambios que han efectuado. Esta audencia se llevara acabo el dia Lunes, 16, de Marzo del 2015 en la oficina de HACY, en el 420 S. de la Avenida Madlson. Yuma, AZ 85364 a las 5:00 p.m.

January 25, 2015, January 27, 2015, January 29, 2015

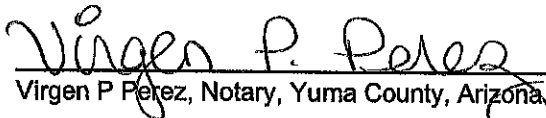
Estos cambios estaran disponibles para la inspeccion publica de Lunes a Jueves de 8 am a las 4 pm en la oficina de HACY en la direccion ya mencionada. Para mas informacion llame a Howard Tang al (928) 782-3823 X 127.  
Daily January 25, 27, 29, 2015 - 00053287

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

  
\_\_\_\_\_  
Publisher or Business Manager

Subscribed to and sworn to me this 29th day of January 2015.

  
\_\_\_\_\_  
Virgen P Perez, Notary, Yuma County, Arizona

My commission expires: May 10, 2017



00007004 00053287

LUPE LEWIS  
CITY OF YUMA HOUSING AUTHORITY  
420 S MADISON AVENUE  
YUMA, AZ 85364

**Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]**

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [24 CFR 5.2005(c)(1)].

PHA Policy

The PHA will terminate the lease for the following violations of tenant obligations under the lease:

Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);

Repeated late payment of rent or other charges. Four late payments within a 12 month period shall constitute a repeated late payment.

Failure to fulfill the following household obligations:

Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

Not to provide accommodations for boarders or lodgers

To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose

To abide by necessary and reasonable regulations promulgated by the PHA for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease

To comply with all obligations imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety

To keep the dwelling unit and such other areas as may be assigned to the tenant for the tenant's exclusive use in a clean and safe condition

To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner

To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators

To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or project

To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to project buildings, facilities or common areas) caused by the tenant, a member of the household or a guest

To act, and cause household members or guests to act, in a manner which will not disturb other residents' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition

In making its decision to terminate the lease, the PHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

### **13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION [24 CFR 966.4(l)(2) and (5)(ii)(B)]**

HUD authorizes PHAs to terminate the lease for reasons other than those described in the previous sections. These reasons are referred to as “other good cause.”

#### **Other Good Cause [24 CFR 966.4(l)(2)(ii)(B) and (C)]**

HUD regulations state that the PHA may terminate tenancy for other good cause. The regulations provide a few examples of other good cause, but do not limit the PHA to only those examples. The Violence against Women Act of 2013 explicitly prohibits PHAs from considering incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking as “other good cause” for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005(c)(1)].

#### PHA Policy

The PHA will terminate the lease for the following reasons.

*Fugitive Felon or Parole Violator.* If a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.

*Persons subject to sex offender registration requirement.* If any member of the household has, during their current public housing tenancy, become subject to a registration requirement under a state sex offender registration program.

Discovery of facts after admission to the program that would have made the tenant ineligible

Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with a reexamination of income

Failure to furnish such information and certifications regarding family composition and income as may be necessary for the PHA to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size

Failure to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the PHA that such a dwelling unit is available

Failure to permit access to the unit by the PHA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists

Failure to promptly inform the PHA of the birth, adoption or court-awarded custody of a child. In such a case, promptly means within 10 business days of the event.

Failure to abide by the provisions of the PHA pet policy

If the family has breached the terms of a repayment agreement entered into with the PHA

If a family member has violated federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

## **Consideration of Circumstances [24 CFR 966.4(l)(5)(vii)(B)]**

Although it is required that certain lease provisions exist for criminal activity and alcohol abuse, HUD provides that the PHA may consider all circumstances relevant to a particular case in order to determine whether or not to terminate the lease.

Such relevant circumstances can also be considered when terminating the lease for any other reason.

### PHA Policy

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

The seriousness of the offending action, especially with respect to how it would affect other residents

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, or stalking

The effects that the eviction will have on other family members who were not involved in the action or failure to act

The effect on the community of the termination, or of the PHA's failure to terminate the tenancy

The effect of the PHA's decision on the integrity of the public housing program

The demand for housing by eligible families who will adhere to lease responsibilities

The extent to which the leaseholder has shown personal responsibility and whether they have taken all reasonable steps to prevent or mitigate the offending action

The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future

In the case of program abuse, the dollar amount of the underpaid rent and whether or not a false certification was signed by the family

### **13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

This section addresses the protections against termination of tenancy that the Violence against Women Act of 2013 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, sexual assault, or stalking. For general VAWA requirements and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

VAWA provides that “criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of tenancy of occupancy rights of, or assistance to the victim, if the tenant or affiliated individual of the tenant is the victim” [24 CFR 5.2005(c) (2)].

VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence [24 CFR 5.2005 (c) (1)].

#### **Limits on VAWA Protections [24 CFR 5.2005(d) and (e)]**

While VAWA prohibits a PHA from using domestic violence, dating violence, sexual assault, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit a PHA’s otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault, or stalking providing that the PHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.
- VAWA does not limit a PHA’s authority to terminate the tenancy of any public housing tenant if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s tenancy is not terminated.

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

#### PHA Policy

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking 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, or stalking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within a short period of time

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 he or she is 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.

#### **Documentation of Abuse [24 CFR 5.2007]**

##### PHA Policy

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, or stalking claims protection under VAWA, the PHA will request 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.



#### **13-IV.D. LEASE TERMINATION NOTICE [24 CFR 966.4(l)(3)]**

##### **Form, Delivery, and Content of the Notice**

Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the date the termination will take place, the resident's right to reply to the termination notice, and their right to examine PHA documents directly relevant to the termination or eviction. If the PHA does not make the documents available for examination upon request by the tenant, the PHA may not proceed with the eviction [24 CFR 966.4(m)].

When the PHA is required to offer the resident an opportunity for a grievance hearing, the notice must also inform the resident of their right to request a hearing in accordance with the PHA's grievance procedure. In these cases, the tenancy shall not terminate until the time for the tenant to request a grievance hearing has expired and the grievance procedure has been completed.

When the PHA is not required to offer the resident an opportunity for a grievance hearing because HUD has made a due process determination and the lease termination is for criminal activity that threatens health, safety or right to peaceful enjoyment or for drug-related criminal activity, the notice of lease termination must state that the tenant is not entitled to a grievance hearing on the termination. It must specify the judicial eviction procedure to be used by the PHA for eviction of the tenant, and state that HUD has determined that the eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations. The notice must also state whether the eviction is for a criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the PHA, or for a drug-related criminal activity on or off the premises.

##### PHA Policy

The PHA will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. If such attempt fails, the notice will be sent by first-class mail the same day.

All notices of lease termination will include information about the protection against termination provided by the Violence against Women Act of 2013 (VAWA) for victims of domestic violence, dating violence, sexual assault, or stalking (see section 16-VII.C). The PHA will also include a copy of the form HUD-50066. Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, sexual assault or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies in sections 13-III.F and 16-VII.D.

## Chapter 16

### PROGRAM ADMINISTRATION

#### INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised. Also discussed are the requirements to establish surcharges for excess consumption of PHA-furnished utilities.

Part II: Establishing Flat Rents and Public Housing Maximum Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts and public housing maximum rents.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families, and describes the circumstances under which the PHA will offer repayment agreements to families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part IV: Public Housing Assessment System (PHAS). This part describes the PHAS indicators, how PHAs are scored under PHAS, and how those scores affect a PHA.

Part V: Record-Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the PHA will follow.

Part VI: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the PHA's reporting responsibilities related to children with environmental intervention blood lead levels that are living in public housing.

Part VII: Violence against Women Act (VAWA): Notification, Documentation, and Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault, and stalking; and maintaining the confidentiality of information obtained from victims.

## **Criminal Records**

The PHA may only disclose the criminal conviction records which the PHA receives from a law enforcement agency to officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

The PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

The PHA must establish and implement a system of records management that ensures that any sex offender registration information received by the PHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained [Notice PIH 2012-28]. This requirement does not apply to information that is public information, or is obtained by a PHA other than under 24 CFR 5.905.

## **Medical/Disability Records**

PHAs are not permitted to inquire about the nature or extent of a person's disability. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA should not place this information in the tenant file. The PHA should destroy the document.

## **Domestic Violence, Dating Violence, Sexual Assault, or Stalking Records**

For requirements and PHA policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, or stalking, see section 16-VII.E.

## PART VII: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY

### 16-VII.A. OVERVIEW

The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving assistance under the public housing program. If your state or local laws provide greater protection for such victims, those laws take precedence over VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located in Chapter 3, "Eligibility" (sections 3-I.C and 3-III.F); Chapter 5, "Occupancy Standards and Unit Offers" (section 5-II.D); Chapter 8, "Leasing and Inspections" (section 8-I.B); Chapter 12, "Transfer Policy" (sections 12-III.C, 12-III.F, and 12-IV.D); and Chapter 13, "Lease Terminations" (sections 13-III.F and 13-IV.D).

### 16-VII.B. DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
  - Any individual, tenant or lawful occupant living in the household of that individual.
- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent
- The term *stalking* means:
  - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
  - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

#### **16-VII.C. NOTIFICATION [24 CFR 5.2005(a)]**

##### **Notification to Public**

The PHA adopts the following policy to help ensure that all actual and potential beneficiaries of its public housing program are aware of their rights under VAWA.

##### PHA 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 summary of the rights and protections provided by VAWA to public housing applicants and residents who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (see sample notice in Exhibit 16-1)

The definitions of *domestic violence*, *dating violence*, *sexual assault*, and *stalking* provided in VAWA (included in Exhibit 16-1)

An explanation of the documentation that the PHA may require from an individual who claims the protections provided by VAWA (included in Exhibit 16-1)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of the PHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibit 16-1)

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

### **Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)]**

PHAs are required to inform public housing applicants and tenants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

#### PHA Policy

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).

The VAWA information provided to applicants and tenants will consist of the notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

The PHA is not limited to providing VAWA information at the times specified in the above policy. If the PHA decides to provide VAWA information to a tenant following an incident of domestic violence, Notice PIH 2006-42 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the PHA make alternative delivery arrangements that will not put the victim at risk.

#### PHA 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.

### **16-VII.D. DOCUMENTATION [24 CFR 5.2007]**

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the PHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim
- (2) A federal, state, tribal, territorial, or local police report or court record

- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

#### PHA Policy

Any request for documentation of domestic violence, dating violence, sexual assault, or stalking 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. Any extension granted by the PHA will be in writing.

#### **Conflicting Documentation [24 CFR 5.2007(e)]**

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

#### PHA Policy

If presented with conflicting certification documents (two or more forms HUD-50066) 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(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

#### **Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]**

The PHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

#### PHA Policy

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

### **Failure to Provide Documentation [24 CFR 5.2007(c)]**

In order to deny relief for protection under VAWA, a PHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the PHA may allow, the PHA may deny relief for protection under VAWA.

### **16-VII.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]**

All information provided to the PHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

#### PHA 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.



## **EXHIBIT 16-1: SAMPLE NOTICE TO PUBLIC HOUSING APPLICANTS AND TENANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

*This sample notice was adapted from a notice prepared by the National Housing Law Project.*

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. The name of the law is the Violence against Women Act, or “VAWA.” This notice explains your rights under VAWA.

### **Protections for Victims**

If you are eligible for public housing, the housing authority cannot refuse to admit you to the public housing program solely because you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are the victim of domestic violence, dating violence, sexual assault, or stalking, the housing authority cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you if you were the victim of the abuse.

### **Reasons You Can Be Evicted**

The housing authority can still evict you if the housing authority can show there is an *actual and imminent* (immediate) threat to other tenants or housing authority staff if you are not evicted. Also, the housing authority can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking against you. The housing authority cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

### **Removing the Abuser from the Household**

The housing authority may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If the housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, the housing authority must follow federal, state, and local eviction procedures.

## **Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

The housing authority can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault, or stalking. It must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority. The form will ask for your name, the name of your abuser, the abuser’s relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if it is safe to provide and you know their name.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing “under penalty of perjury.”
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the housing authority may evict you.

### **Confidentiality**

The housing authority must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority to release the information.
- The housing authority needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority to release the information.

If release of the information would put your safety at risk, you should inform the housing authority.

### **VAWA and Other Laws**

VAWA does not limit the housing authority’s duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

### **For Additional Information**

If you have any questions regarding VAWA, please contact \_\_\_\_\_ at \_\_\_\_\_.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

## Definitions

For purposes of determining whether a public housing applicant or tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines **domestic violence** to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines **dating violence** as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines **sexual assault** as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

VAWA defines **stalking** as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

### **3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY**

#### **Family Break-up [24 CFR 982.315]**

Except under the following conditions, the PHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault and stalking, see section 16-IX.D of this plan.)
- If a court determines the disposition of property between members of the assisted family in a divorce or separation decree, the PHA is bound by the court's determination of which family members continue to receive assistance.

#### PHA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

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 to receive assistance. 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 the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse; (4) any possible risks to family members as a result of criminal activity; and (5) the recommendations of social service professionals

#### **Remaining Member of a Tenant Family [24 CFR 5.403]**

The HUD definition of family includes the *remaining member of a tenant family*, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on "Caretakers for a Child."

## **PART III: DENIAL OF ASSISTANCE**

### **3-III.A. OVERVIEW**

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance.

In addition, HUD requires or permits the PHA to deny assistance based on certain types of current or past behaviors of family members.

#### **Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]**

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

#### **Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR 5.2005(b)]**

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:

- Age, disability, race, color, religion, sex, or national origin. (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside the PHA's jurisdiction under portability. (See Chapter 10.)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant is otherwise qualified for assistance  
(See section 3-III.G.)

### **Screening for Suitability as a Tenant [24 CFR 982.307]**

The PHA has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. The PHA may opt to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

#### PHA Policy

The PHA will not conduct additional screening to determine an applicant family's suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. The PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

HUD requires the PHA to provide prospective owners with the family's current and prior address (as shown in PHA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits the PHA to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.

The PHA may not disclose to the owner any confidential information provided in response to a PHA request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation

[24 CFR 5.2007(a)(4)].

#### PHA Policy

The PHA will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information upon request. The PHA will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

### **3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE**

#### **Evidence [24 CFR 982.553(c)]**

##### PHA Policy

The PHA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

#### **Consideration of Circumstances [24 CFR 982.552(c)(2)]**

HUD authorizes the PHA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandated (see Section 3-III.B).

##### PHA Policy

The PHA will consider the following factors prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that denial of assistance may have on other members of the family who were not involved in the action or failure

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.G) a victim of domestic violence, dating violence, sexual assault, or stalking

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

The PHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

### **3-III.F. NOTICE OF ELIGIBILITY OR DENIAL**

If the family is eligible for assistance, the PHA will notify the family when it extends the invitation to attend the voucher briefing appointment, as discussed in Chapter 5.

If the PHA determines that a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 16, for informal review policies and procedures.

#### PHA Policy

The family will be notified of a decision to deny assistance in writing within 10 business days of the determination.

If a PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)].

#### PHA Policy

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible the PHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact the PHA to dispute the information within that 10-day period, the PHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault or stalking are contained in Section 3-III.G.



### **3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying an applicant admission to the HCV program “on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for assistance or admission.”

Definitions of key terms used in VAWA are provided in section 16-IX of this plan, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

#### **Notification and Victim Documentation**

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of right and the form HUD-50066 at the time the applicant is denied.

##### PHA Policy

The PHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the PHA’s policies. Therefore, if the PHA makes a determination to deny assistance to an applicant family, 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-50066. The PHA will request that an applicant wishing to claim protection under VAWA notify the PHA within 10 business days.

#### **Documentation**

##### ***Victim Documentation [24 CFR 5.2007]***

##### PHA Policy

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

If the PHA is located in a metropolitan FMR area, the following additional information must be included in the briefing packet in order to receive full points under SEMAP Indicator 7, Expanding Housing Opportunities [24 CFR 985.3(g)].

- Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction.
- Information about the characteristics of these areas including job opportunities, schools, transportation and other services.
- An explanation of how portability works, including a list of portability contact persons for neighboring PHAs with names, addresses, and telephone numbers.

#### **Additional Items to be Included in the Briefing Packet**

In addition to items required by the regulations, PHAs may wish to include supplemental materials to help explain the program to both participants and owners [HCV GB p. 8-7, Notice PIH 2010-10].

##### PHA Policy

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

When PHA-owned units are available for lease, a written statement that the family has the right to select any eligible unit available for lease and is not obligated to choose a PHA-owned unit

Information on how to fill out and file a housing discrimination complaint form

Information about the protections afforded by the Violence against Women Act of 2013 (VAWA) to victims of domestic violence, dating violence, sexual assault, and stalking (see section 16-IX.C)

Information about the protections afforded by the Protecting Tenants at Foreclosure Act (PTFA) (see section 13-II.G)

“Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse

“What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19

- The family must not commit any serious or repeated violation of the lease.

PHA 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.

*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, or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].

- The family must notify the PHA and the owner before moving out of the unit or terminating the lease.

PHA Policy

The family must comply with lease requirements regarding written notice to the owner.

The family must provide written notice to the PHA at the same time the owner is notified.

- The family must promptly give the PHA a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

PHA Policy

The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. The PHA will determine eligibility of the new member in accordance with the policies in Chapter 3.

- The family must promptly notify the PHA in writing if any family member no longer lives in the unit.
- If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when PHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).

- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.314(b)(2)]. The family must give the PHA a copy of any owner eviction notice [24 CFR 982.551(g)].
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.314(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the PHA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.314(b)(4), 24 CFR 982.353(b)].

#### PHA Policy

If a family requests permission to move with continued assistance 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, or stalking, 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 has terminated the assisted lease for the family's unit for the owner's breach [24 CFR 982.314(b)(1)(i)].
- The PHA determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, the PHA must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives notice to the owner. [24 CFR 982.403(a) and (c)]

### **Restrictions on Elective Moves [24 CFR 982.314(c)]**

HUD regulations permit the PHA to prohibit any elective move by a participant family during the family's initial lease term. They also permit the PHA to prohibit more than one elective move by a participant family during any 12-month period. However, such prohibitions, if adopted, do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. (For the policy on documentation of abuse, see section 10-I.A.)

#### PHA Policy

The PHA will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within the PHA's jurisdiction or outside it under portability.

The PHA will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in the PHA's jurisdiction.

The PHA will deny a family permission to make an elective move if the family owes money to the PHA or has a current promissory note. The PHA may consider an exception if landlord initiated the termination and family is in compliance with current lease.

The PHA will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, and witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, the PHA will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

## **10-II.B. INITIAL PHA ROLE**

### **Allowable Moves under Portability**

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the initial PHA may choose the receiving PHA [24 CFR 982.355(b)].

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the PHA's jurisdiction under portability. The initial PHA, in accordance with HUD regulations and PHA policy, determines whether a family qualifies.

### ***Applicant Families***

Under HUD regulations, most applicant families qualify to lease a unit outside the PHA's jurisdiction under portability. However, HUD gives the PHA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance.

#### PHA Policy

In determining whether or not to deny an applicant family permission to move under portability because the PHA lacks sufficient funding or has grounds for denying assistance to the family, the initial PHA will follow the policies established in section 10-I.B of this chapter.

In addition, the PHA may establish a policy denying the right to portability to nonresident applicants during the first 12 months after they are admitted to the program [24 CFR 982.353(c)].

#### PHA Policy

If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the PHA's jurisdiction at the time the family's application for assistance was submitted, the family must live in the PHA's jurisdiction with voucher assistance 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, or stalking. However, any exception to this policy is subject to the approval of the receiving PHA [24 CFR 982.353(c)(3)].

VASH families are not required to find a unit within the jurisdiction of the issuing PHA. Families may live in surrounding jurisdictions under voucher portability provisions, with the only limitation being that the initial PHA's partnering VAMC must be able to provide case management services.

Long distance moves, under portability, are permissible if the receiving HA has an available HUD-VASH voucher and the partnering VAMC can serve the family. In such cases, the receiving PHA must absorb the family

### ***Participant Families***

The initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. The Violence against Women Act of 2013 (VAWA) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.353(b)].

#### **PHA Policy**

The PHA will determine whether a participant family may move out of the PHA's jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. The PHA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

### **Determining Income Eligibility**

#### ***Applicant Families***

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(3)]. The family must specify the area to which the family wishes to move [Notice 2011-3].

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.355(c)(1)]. If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2011-3].

#### ***Participant Families***

The income eligibility of a participant family is not re-determined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2), 24 CFR 982.355(c)(1)].

### **Reexamination of Family Income and Composition**

No new reexamination of family income and composition is required for an applicant family.

#### **PHA Policy**

For a participant family approved to move out of its jurisdiction under portability, the PHA generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

The PHA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

## **12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE**

The family may request that the PHA terminate the family's assistance at any time.

### PHA Policy

The request to terminate assistance should be made in writing and signed by the head of household, spouse, or cohead.

## **12-I.D. MANDATORY TERMINATION OF ASSISTANCE**

HUD requires the PHA to terminate assistance in the following circumstances.

### **Eviction [24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1)]**

The PHA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. As discussed further in section 12-II.E, incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking.

### PHA Policy

A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. In such cases the PHA will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures described in section 12-II.C. In making its decision, the PHA will consider the factors described in sections 12-II.D and 12-II.E. Upon consideration of such factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

*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 will be whether or not the reason for the eviction was the fault of the tenant or guests.

### **Failure to Provide Consent [24 CFR 982.552(b)(3)]**

The PHA must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a reexamination. See Chapter 7 for a complete discussion of consent requirements.



**Other Authorized Reasons for Termination of Assistance**  
**[24 CFR 982.552(c), 24 CFR 5.2005(e)]**

HUD permits the PHA to terminate assistance under a number of other circumstances. It is left to the discretion of the PHA whether such circumstances in general warrant consideration for the termination of assistance. As discussed further in section 12-II.E, the Violence against Women Act of 2013 explicitly prohibits PHAs from considering incidents of, or criminal activity directly related to, domestic violence, dating violence, sexual assault, or stalking as reasons for terminating the assistance of a victim of such abuse.

PHA Policy

The PHA **will not** terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program.

The PHA **will** terminate a family's assistance if:

The family has failed to comply with any family obligations under the program. See Exhibit 12-1 for a listing of family obligations and related PHA policies.

Any family member has been evicted from federally-assisted housing in the last three years.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

Any family member who has engaged in criminal activity, while receiving housing subsidy under any federal, state or local housing assistance program..

The family has breached the terms of a repayment agreement entered into with the PHA.

A family member has engaged in or threatened violent or abusive behavior toward PHA personnel.

*Abusive or violent behavior towards PHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

A HUD-VASH participant family's HCV assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC.

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 12-II.C and other factors described in Section 12-II.D and Section 12-II.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

## **12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE**

### **Evidence**

For criminal activity, HUD permits the PHA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

#### PHA Policy

The PHA will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

*Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence

### **Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]**

The PHA is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated.

#### PHA Policy

When making the decision to terminate assistance, the PHA may take into consideration the following factors, as well as other relevant information:

The seriousness of the case, especially with respect to how it would affect other residents

The effects that termination of assistance may have on other members of the family who were not involved in the action or failure

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, or stalking

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

The PHA will require the participant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family

## **12-III.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING**

This section addresses the protections against termination of assistance that the Violence against Women Act of 2013 (VAWA) provides for victims of domestic violence, dating violence, sexual assault and stalking. For general VAWA requirements and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-IX of this plan, where definitions of key VAWA terms are also located.

### **VAWA Protections against Termination**

VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault, or stalking. (*Note:* The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program. So do the limitations discussed under the next heading.)

First, VAWA provides that a PHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the PHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.314(b)(4)].

Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [24 CFR 5.2005(c)(1)].

Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, sexual assault or stalking [24 CFR 5.2005(c)(2)].

Fourth, it gives PHAs the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

### **Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]**

VAWA does not limit the authority of a PHA to terminate the assistance of a victim of abuse for reasons unrelated to domestic violence, dating violence, sexual assault or stalking so long as the PHA does not subject the victim to a more demanding standard than it applies to other program participants [24 CFR 5.2005(d)(1)].

Likewise, VAWA does not limit the authority of a PHA to terminate the assistance of a victim of domestic violence, dating violence, sexual assault or stalking if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property if the victim is not terminated from assistance [24 CFR 5.2005(d)(2)].

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

#### PHA Policy

In determining whether a program participant who is a victim of domestic violence, dating violence, sexual assault or stalking 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, or stalking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within a short period of time

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 or seeking a legal remedy to prevent the perpetrator from acting on the threat

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

## **Documentation of Abuse [24 CFR 5.2007]**

### PHA Policy

When an individual facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault, or stalking 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.

## **Terminating the Assistance of a Domestic Violence Perpetrator**

Although VAWA provides protection against termination of assistance for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives the PHA the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others" without terminating assistance to "or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant" [24 CFR 5.2009(a)]. This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance. This means that the PHA must follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

### PHA 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-50066) or other documentation of abuse submitted to the PHA by the victim in accordance with this section and section 16-IX.D. 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.

## **12-II.F. TERMINATION NOTICE**

HUD regulations require PHAs to provide written notice of termination of assistance to a family only when the family is entitled to an informal hearing. However, since the family's HAP contract and lease will also terminate when the family's assistance terminates [form HUD-52641], it is a good business practice to provide written notification to both owner and family anytime assistance will be terminated, whether voluntarily or involuntarily.

### PHA 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-50066 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, other PHA policies, or the circumstances surrounding the termination require.

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

If a family whose assistance is being terminated is entitled to an informal hearing, the notice of termination that the PHA sends to the family must meet the additional HUD and PHA notice requirements discussed in section 16-III.C of this plan. VAWA 2013 expands notification requirements to require PHAs to provide notice of VAWA rights and the HUD 50066 form when a PHA terminates a household's housing benefits.

### PHA 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-50066. The PHA will request that a family member wishing to claim protection under VAWA notify the PHA within 10 business days.

When termination is initiated by the PHA, the notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination. 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 a family requests to be terminated from the program they must do so in writing to the PHA (see section 12-I-C). The PHA will then send a confirmation notice to the family and the owner within 10 business days of the family's request, but no later than the termination effective date (as requested by the family)

Still other notice requirements apply in two situations:

## **PART III: TERMINATION OF TENANCY BY THE OWNER**

### **12-III.A. OVERVIEW**

Termination of an assisted tenancy is a matter between the owner and the family; the PHA is not directly involved. However, the owner is under some constraints when terminating an assisted tenancy, and the reasons for which a tenancy is terminated dictate whether assistance also will be terminated.

### **12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310, 24 CFR 5.2005(c), and Form HUD-52641-A, Tenancy Addendum]**

During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

#### **Serious or Repeated Lease Violations**

The owner is permitted to terminate the family's tenancy for serious or repeated violations of the terms and conditions of the lease, except when the violations are related to incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking and the victim is protected from eviction by the Violence against Women Act of 2013 (see section 12-II.E). A serious lease violation includes failure to pay rent or other amounts due under the lease. However, the PHA's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

#### **Violation of Federal, State, or Local Law**

The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

#### **Criminal Activity or Alcohol Abuse**

The owner may terminate tenancy during the term of the lease if any *covered person*—meaning any member of the household, a guest, or another person under the tenant's control—commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);
- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
- Any violent criminal activity on or near the premises; or
- Any drug-related criminal activity on or near the premises.

However, in the case of criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, if the tenant or an affiliated individual family is the victim, the criminal activity may not be construed as cause for terminating the victim's tenancy (see section 12-II.E).

### **12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h), Pub.L. 109-162]**

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The nature of the offending action
- The seriousness of the offending action;
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy;
- The extent of participation by the leaseholder in the offending action;
- The effect of termination of tenancy on household members not involved in the offending activity;
- The demand for assisted housing by families who will adhere to lease responsibilities;
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- The effect of the owner's action on the integrity of the program.

The owner may require a family 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.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, sexual assault or stalking is limited by the Violence against Women Act of 2013 (VAWA) and the conforming regulations in 24 CFR Part 5, Subpart L. (See section 12-II.E.)

### **12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY'S ASSISTANCE**

If a termination is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new voucher so that the family can move with continued assistance (see Chapter 10).



## EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS

Following is a listing of a participant family's obligations under the HCV program:

- The family must supply any information that the PHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

### PHA Policy

Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.

- The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.

### PHA 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.

*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 or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].

- The family must notify the PHA and the owner before moving out of the unit or terminating the lease.

### PHA Policy

The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to the PHA at the same time the owner is notified.

- The family must promptly give the PHA a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

### **13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452]**

The basic owner responsibilities in the HCV program are outlined in the regulations as follows:

- Performing all of the owner's obligations under the housing assistance payments (HAP) contract and the lease
- Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit
- Maintaining the unit in accordance with the Housing Quality Standards (HQS), including performance of ordinary and extraordinary maintenance
- Complying with equal opportunity requirements
- Preparing and furnishing to the PHA information required under the HAP contract
- Collecting from the family any security deposit, the tenant's contribution to rent (that part of rent to owner not covered by the housing assistance payment from the PHA), and any charges for unit damage by the family.
- Enforcing tenant obligations under the dwelling lease
- Paying for utilities and services (unless paid by the family under the lease)
- Making modifications to a dwelling unit occupied or to be occupied by a disabled person [24 CFR 100.203]
- Complying with the Violence against Women Reauthorization Act of 2013 (VAWA) when screening prospective HCV tenants or terminating the tenancy of an HCV family (see 24 CFR Part 5, Subpart L; 24 CFR 982.310(h)(4); and 24 CFR 982.452(b)(1))

## Chapter 16

### PROGRAM ADMINISTRATION

#### INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this plan. The policies are discussed in seven parts as described below:

Part I: Administrative Fee Reserve. This part describes the PHA's policies with regard to oversight of expenditures from its administrative fee reserve.

Part II: Setting Program Standards and Schedules. This part describes what payment standards are, and how they are updated, as well as how utility allowances are established and revised.

Part III: Informal Reviews and Hearings. This part outlines the requirements and procedures for informal reviews and hearings, and for informal hearings regarding citizenship status.

Part IV: Owner or Family Debts to the PHA. This part describes policies for recovery of monies that the PHA has overpaid on behalf of families, or to owners, and describes the circumstances under which the PHA will offer repayment agreements to owners and families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part V: Section 8 Management Assessment Program (SEMAP). This part describes what the SEMAP scores represent, how they are established, and how those scores affect a PHA.

Part VI: Record-Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the PHA will follow.

Part VII: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level. This part describes the PHA's responsibilities for reporting, data collection, and record keeping relative to children with environmental intervention blood lead levels that are less than six years of age, and are receiving HCV assistance.

Part VIII: Determination of Insufficient Funding. This part describes the PHA's policies for determining if there is sufficient funding to issue vouchers, to approve moves to higher cost units or areas, and to continue assistance for all participant families.

Part IX: Violence against Women Act (VAWA): Notification, Documentation, Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families and owners about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault, and stalking; and maintaining the confidentiality of information obtained from victims.

### **Criminal Records**

The PHA may only disclose the criminal conviction records which the PHA receives from a law enforcement agency to officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

The PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

The PHA must establish and implement a system of records management that ensures that any sex offender registration information received by the PHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation. This requirement does not apply to information that is public information, or is obtained by a PHA other than under 24 CFR 5.905. However, a record of the screening, including the type of screening and date performed must be retained [Notice PIH 2012-28].

### **Medical/Disability Records**

PHAs are not permitted to inquire about the nature or extent of a person's disability. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA should not place this information in the tenant file. The PHA should destroy the document.

### **Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

For requirements and PHA policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, or stalking, see section 16-IX.E.

## **PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY**

### **16-IX.A OVERVIEW**

The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws take precedence over VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, "Family Breakup and Remaining Member of Tenant Family"; 3-III.G, "Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking"; 10-I.A, "Allowable Moves"; 10-I.B, "Restrictions on Moves"; 12-II.E, "Terminations Related to Domestic Violence, Dating Violence, or Stalking"; and 12-II.F, "Termination Notice."

### **16-IX.B. DEFINITIONS [24 CFR 5.2003]**

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
  - Any other individual, tenant or lawful occupant living in the household of that individual.

- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
- The term *stalking* means:
  - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
  - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
  - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

## **16-IX.C. NOTIFICATION [24 CFR 5.2005(a)]**

### **Notification to Public**

The PHA adopts the following policy to help ensure that all actual and potential beneficiaries of its HCV program are aware of their rights under VAWA.

#### PHA 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 summary of the rights and protections provided by VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (see sample notices in Exhibits 16-1 and 16-2)

The definitions of *domestic violence*, *dating violence*, sexual assault, and *stalking* provided in VAWA (included in Exhibits 16-1 and 16-2)

An explanation of the documentation that the PHA may require from an individual who claims the protections provided by VAWA (included in Exhibits 16-1 and 16-2)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of the PHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibits 16-1 and 16-2)

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

### **Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]**

PHAs are required to inform program applicants and participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

#### PHA Policy

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 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 notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

**Notification to Owners and Managers [24 CFR 5.2005(a)(2)]**

PHAs are required to notify owners and managers participating in the HCV program of their rights and obligations under VAWA.

PHA Policy

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

The VAWA information provided to owners will consist of the notice in Exhibit 16-2 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

**16-IX.D. DOCUMENTATION [24 CFR 5.2007]**

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the PHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim
- (2) A federal, state, tribal, territorial, or local police report or court record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

PHA Policy

Any request for documentation of domestic violence, dating violence, sexual assault or stalking 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. Any extension granted by the PHA will be in writing.

#### **Conflicting Documentation [24 CFR 5.2007(e)]**

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

##### PHA Policy

If presented with conflicting certification documents (two or more forms HUD-50066) 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(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

#### **Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]**

The PHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

##### PHA Policy

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

#### **Failure to Provide Documentation [24 CFR 5.2007(c)]**

In order to deny relief for protection under VAWA, a PHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as the PHA may allow, the PHA may deny relief for protection under VAWA.

#### **16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]**

All information provided to the PHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the

extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

PHA 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.

## **EXHIBIT 16-1: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER APPLICANTS AND TENANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

*This sample notice was adapted from a notice prepared by the National Housing Law Project.*

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

### **Protections for Victims**

If you are eligible for a Section 8 voucher, the housing authority cannot deny you rental assistance solely because you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are the victim of domestic violence, dating violence, sexual assault, or stalking, you cannot be terminated from the Section 8 program or evicted based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.

### **Reasons You Can Be Evicted**

You can be evicted and your rental assistance can be terminated if the housing authority or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking committed against you. The housing authority and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

### **Removing the Abuser from the Household**

Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. Also, the housing authority can terminate the abuser's Section 8 rental assistance while allowing you to continue to receive assistance. If the landlord or housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

### **Moving to Protect Your Safety**

The housing authority may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The housing authority may require that you be current on your rent or other obligations in the housing choice voucher program. The housing authority may ask you to provide proof that you are moving because of incidences of abuse.

## **Proving That You Are a Victim of Domestic Violence, Dating Violence, or Stalking**

The housing authority and your landlord can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault, or stalking. The housing authority or your landlord must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority and your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority or your landlord. The form will ask for your name, the name of your abuser, the abuser’s relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if it is safe to provide and you know their name.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing “under penalty of perjury.”
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the landlord may evict you, and the housing authority may terminate your rental assistance.

## **Confidentiality**

The housing authority and your landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If release of the information would put your safety at risk, you should inform the housing authority and your landlord.

## **VAWA and Other Laws**

VAWA does not limit the housing authority’s or your landlord’s duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

## For Additional Information

If you have any questions regarding VAWA, please contact \_\_\_\_\_ at \_\_\_\_\_.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

## Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines sexual assault as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

**EXHIBIT 16-2: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER OWNERS AND MANAGERS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

*This sample notice was adapted from a notice prepared by the National Housing Law Project.*

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your obligations under VAWA.

**Protections for Victims**

You cannot refuse to rent to an applicant solely because he or she is a victim of domestic violence, dating violence, sexual assault, or stalking.

You cannot evict a tenant who is the victim of domestic violence, dating violence, sexual assault, or stalking based on acts or threats of violence committed against the victim. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

**Permissible Evictions**

You can evict a victim of domestic violence, dating violence, sexual assault, or stalking if you can demonstrate that there is an *actual and imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking. You cannot hold a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than you hold tenants who are not victims.

**Removing the Abuser from the Household**

You may bifurcate (split) the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

## **Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

If a tenant asserts VAWA's protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You are not required to demand official documentation and may rely upon the victim's statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- A completed, signed HUD-approved certification form. The most recent form is HUD-50066. This form is available at the housing authority or online at <http://www.hud.gov/offices/adm/hudclips/>.
- A statement from a victim service provider, attorney, or medical professional who has helped the victim address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both the victim and the professional must sign the statement under penalty of perjury.
- A police or court record, such as a protective order.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

## **Confidentiality**

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

The victim should inform you if the release of the information would put his or her safety at risk.

## **VAWA and Other Laws**

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

## **Additional Information**

- If you have any questions regarding VAWA, please contact \_\_\_\_\_.
- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at <http://www.hud.gov/offices/adm/hudclips/>.
- For a discussion of VAWA's housing provisions, see the preamble to the final VAWA rule, which is available at <http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf>.

## Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as "any nonconsensual sexual act proscribed by federal, tribal, or state law, including, when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.



**RESOLUTION 918**

**Approval of the PHA Five-Year and Annual Plan**

**Whereas**, the U.S. Department of Housing and Urban Development (HUD) requires each Housing Authority to develop and maintain a PHA Five-Year and Annual Plan, and

**Whereas**, the PHA Five-Year and Annual Plan consists of Finance and Budget information, Housing Authority Goals and Objectives, Program Policies and Procedures, and

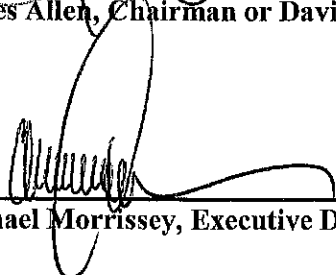
**Whereas**, HACY is also required to meet with and brief the Resident Advisory Board and host a Public Hearing, which it has done so, and has obtained concurrence on the proposed PHA Five-Year and Annual Plan.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioner's of the Housing Authority of the City of Yuma approves the PHA Five-Year and Annual Plan, and authorizes the Chairman and/or Executive Director to sign any associated certifications or other documents related to the submission of said plan.

Dated this 17<sup>th</sup> day of March 2015

Attest:

  
\_\_\_\_\_  
James Allen, Chairman or David Haws, Vice-Chairman

  
\_\_\_\_\_  
Michael Morrissey, Executive Director

**RESOLUTION 917**

**Approval of the PHA Program Plans (Section 8 Admin Plan and Public Housing ACOP)**

**Whereas**, the U.S. Department of Housing and Urban Development (HUD) requires each Housing Authority to maintain updated PHA Program Plans (Section 8 Admin Plan, and Public Housing ACOP), and

**Whereas**, the PHA Program Plans (Section 8 Admin Plan, and Public Housing ACOP) consist of their respective Program-related Policies and Procedures, and

**Whereas**, HACY is also required to meet with and brief the Resident Advisory Board, which it has done so, and has obtained concurrence on the proposed PHA Program Plans (Section 8 Admin Plan, and the Public Housing ACOP)

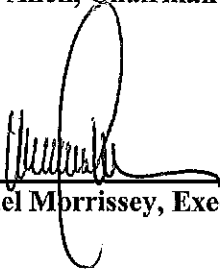
**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioner's of the Housing Authority of the City of Yuma approves the PHA Program Plans (Section 8 Admin Plan, and the Public Housing ACOP) – see attached summary of improvements; and authorizes the Chairman and/or Executive Director to sign any associated certifications or other documents related to the submission of said plans.

Dated this 17<sup>th</sup> day of March, 2015

**Attest:**



\_\_\_\_\_  
**James Allen, Chairman or David Haws, Vice-Chairman**



\_\_\_\_\_  
**Michael Morrissey, Executive Director**

**RESOLUTION No. 915**

**Approval of Conventional Housing, Section 8 Program, and Local  
FYE JUNE 30, 2015 Budget Revisions**

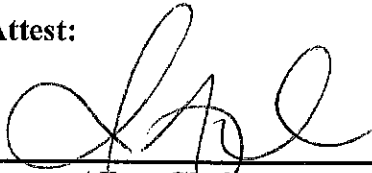
**Whereas**, it has been determined by the Board of Commissioners of the Housing Authority of the City of Yuma (HACY), that the Authority needs to update its budgeted figures to reflect a more accurate picture of the year

**Whereas**, the revised budget has been presented to the Finance committee and the Finance committee approves of the changes

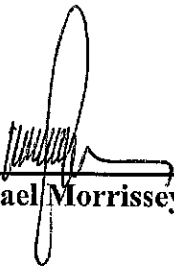
**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Housing Authority of the City of Yuma approves of the following revisions to the FYE15 Conventional Housing, Section 8 Program, and Local budgets as shown in the attached documentation

Dated this 17<sup>th</sup> day of March, 2015

Attest:



\_\_\_\_\_  
James Allen, Chairman or David Haws, Vice-Chairman



\_\_\_\_\_  
Michael Morrissey, Executive Director

**RESOLUTION No. 916**

**Approval of FYE June 30, 2016 Budget Proposals**

**Whereas**, it has been determined by the Board of Commissioners of the Housing Authority of the City of Yuma (HACY), that the Authority needs to have an accurate budget, and


**Whereas**, the staff of HACY has put in significant time in reviewing current data and projected data to determine the Fiscal Year End June 30, 2016 budget, and

**Whereas**, the budget has been presented to the Finance committee and the Finance committee approves of the Fiscal Year End June 30, 2016 budget

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Housing Authority of the City of Yuma, approves of the Fiscal Year End June 30, 2016 budget as shown in the attached documentation

Dated this 17<sup>th</sup> day of March, 2015

Attest:

  
\_\_\_\_\_  
James Allen, Chairman or David Haws, Vice-Chairman

  
\_\_\_\_\_  
Michael Morrissey, Executive Director

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

**U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Expires 4/30/2011**

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

I, James Allen the Chairman of the Board of Commissioners certify that the Five Year and  
Annual PHA Plan of the Housing Authority of the City of Yuma is consistent with the Consolidated Plan of  
City of Yuma prepared pursuant to 24 CFR Part 91.



3-12-15

Signed / Dated by Appropriate State or Local Official

# Certification of Payments to Influence Federal Transactions

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

Applicant Name

Housing Authority of the City of Yuma

Program/Activity Receiving Federal Grant Funding

Low Rent Public Housing, Capital Fund, Housing Choice Voucher, ROSS, and FSS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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)

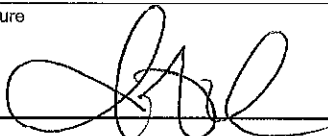
Name of Authorized Official

James Allen

Title

Chairman of the Board of Commissioners

Signature



Date (mm/dd/yyyy)

3-12-15

Previous edition is obsolete

form HUD 50071 (3/98)  
ref. Handbooks 7417.1, 7475.13, 7485.1, & 7485.3

**Civil Rights Certification**

U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Expires 4/30/2011

**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 Chairman or other authorized PHA official if there is no Board of Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan 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, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.


Housing Authority of the City of Yuma

AZ035

\_\_\_\_\_  
 PHA Name

\_\_\_\_\_  
 PHA Number/HA Code

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	James Allen	Title	Chairman of the Board of Commissioners
Signature		Date	3-12-15

**PHA Certifications of Compliance  
with PHA Plans and Related  
R e g u l a t i o n s**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 08/30/2011

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:  
Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the  5-Year and/or  Annual PHA Plan for the PHA fiscal year beginning, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.



13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

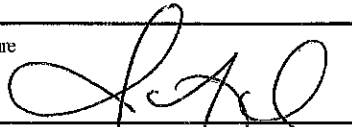
Housing Authority of the City of Yuma  
 PHA Name \_\_\_\_\_

AZ035  
 PHA Number/HA Code \_\_\_\_\_

5-Year PHA Plan for Fiscal Years ~~2015~~ 2020

Annual PHA Plan for Fiscal Years 20 - 20

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 James Allen	Title Chairman of the Board of Commissioners
Signature 	Date 3-12-15

# Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Housing Authority of the City of Yuma

Program/Activity Receiving Federal Grant Funding

Low Rent Public Housing, Capital Fund, Housing Choice Voucher, ROSS, and FSS

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federalagency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

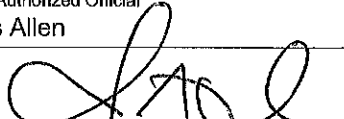
g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

**2. Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here  if there are workplaces on file that are not identified on the attached sheets.

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 James Allen	Title Chairman of the Board of Commissioners
Signature 	Date 3-12-15

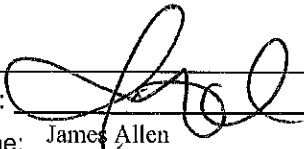
## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	<b>2. Status of Federal Action:</b> <input checked="" type="checkbox"/> a. bid/offer/application b. initial award c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input checked="" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: 4c AZ	<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:	
<b>6. Federal Department/Agency:</b> Department of Housing and Urban Development	<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____	
<b>8. Federal Action Number, if known:</b>	<b>9. Award Amount, if known:</b> \$	
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI): N/A	<b>b. Individuals Performing Services</b> (including address if different from No. 10a) (last name, first name, MI): N/A	
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature:  Print Name: James Allen Title: Chairman of the Board of Commissioners Telephone No.: (928) 783-7885      Date: 3-12-15	
<b>Federal Use Only:</b>		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)