

The Housing Authority of Mayfield

DAVIS APARTMENTS

2049 Marion Circle, Mayfield, KY 42066

TENANT SELECTION PLAN

Fair Housing and Equal opportunity Requirements and Statements of Non-discrimination:

It is the policy of this Owner to comply fully with title vi of the civil rights act of 1964, title vii and section three of the civil rights act of 1968 (as amended by the community development act of 1974), executive orders 11063, section 504 of 1973 rehabilitation act, the age discrimination act of 1975, and any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted.

This property shall not discriminate on the basis of race, color, sex, religion, sexual orientation, gender identity, marital status, age handicap, disability, national origin, familial status or creed in the leasing, rental or other disposition of housing or related facilities under its jurisdiction thereof, in the following areas:

1. Deny any family the opportunity to apply for housing, nor deny any eligible applicant the opportunity to lease housing suitable to its needs;
2. Provide housing which is different than that provided to others;
3. Subject a person to segregation or disparate treatment;
4. Restrict a person's access to any benefit enjoyed by others in connection with the housing program;
5. Treat a person differently in determining eligibility or other requirement for admission;
6. Deny a person access to the same level of services: or,
7. Deny a person the opportunity to participate in planning or advisory group, which is an integral part of the housing program.

The property shall not automatically deny admission to a particular group of otherwise eligible applicants. Each applicant shall be treated to an individual basis in the normal processing routine.

The property will seek to identify and eliminate situations or procedures, which create a barrier to equal housing opportunity for all. In accordance with Section 504, the property will make reasonable accommodations for individuals with disabilities (applicants and residents). Such accommodations may include changes in the administration of policies, procedures or services. In addition, the property may perform structural modifications to housing and non-housing facilities where such modifications would be necessary to afford full access to the housing program for qualified individuals.

In reaching a reasonable accommodation with, or performing structural modifications for otherwise qualified individuals the property is not required to:

- Make alterations that require the removal or alteration of load bearing structural members;
- Provide an elevator for achieving accessibility;
- Provide support services that are not part of its housing programs;
- Take any action that would result in a fundamental alteration of the nature of the program service;
- Take any action that would result in an undue financial and administrative burden for the property.

Limited English Proficiency

Executive Order 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English. Management has taken steps to eliminate situations which create a barrier to persons with limited English proficiency (LEP) in accordance with said order by utilizing services such as Google Translate, and by providing written materials translated into other languages. HUD's required leases, recertification notices, the Consent for Release of Information Packet (forms HUD-9887 and 9887-A), form HUD-5380 - *The Notice of Occupancy Rights under the Violence Against Women Act (VAWA 2013)*, and form HUD-5382 - *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation*, are all available upon request in Amharic, Korean, Arabic, Portuguese, Armenian, Russian, Chinese, Spanish, Farsi, Tagalog, French, Vietnamese, and Khmer (Cambodian). If management determines there is an applicant or tenant who does not read a language that HUD has translated its forms into, management will provide those applicants and tenants with forms translated into languages they do understand, in accordance with HUD's LEP guidance.

Privacy Policy

It is the policy of the property to guard the privacy of individuals conferred by the Federal Privacy Act of 1974 and to ensure the protection of such individuals' records maintained by the property.

Therefore, the property shall not disclose any personal information contained in its records to any person or agency unless the individuals about whom such information is requested shall give written consent to such disclosure (as permitted in the Authorization for Release of information form).

This privacy policy in no way limits the property's ability to collect needed information to determine eligibility or compute rent.

Consistent with the intent of Section 504 of the Rehabilitation Act of 1973, any information obtained on the handicapped or disability of an individual will be treated in a confidential manner.

Applications

Applications are available online at www.mayfieldhousing.com. A computer located at the Housing Authority of Mayfield's Operations Center at 312 Brookside Drive, Mayfield, KY 42066 and another computer located in the Davis Apartments Office and Community Building at 2049 Marion Cr, Mayfield, KY 42066 are available to applicants during business hours Monday through Thursday from 7:30 A.M. to 4:30 P.M. Online application assistance is available on-site at the main office for anyone requiring assistance.

Eligibility (Program) Criteria

In the selection of applicants for admission, eligibility criteria have been established in accordance with HUD Guidelines. All applicants will be screened carefully and the following eligibility standards will be applied:

1. **Provide Information:** All applicants must cooperate in completing the rental application and providing information necessary to determine their eligibility for HUD housing assistance.
2. **Elderly/Disabled:** Applicants must qualify as elderly (62 years of age or older) or disabled (18 years of age or older).
3. **Income Limits:** Applicants must qualify under the income guidelines established by the Department of Housing and Urban Development. The current applicable income limits will be posted in the management office.
4. **Occupancy Standards:** Applicants must meet the established occupancy standards. As a general policy there should be a minimum of one person per bedroom and no more than two persons per bedroom. Management shall take into consideration mitigating circumstances in cases where applicants or residents have a verifiable need for a larger unit.

Any family placed in a unit size different than that defined in these Occupancy Standards shall agree to transfer to an appropriate size unit when one becomes available (in accordance with the Transfer Policy and Lease Addendum).

Dwelling units will be assigned in accordance with the following standards (all units are one bedroom):

<u>Bedroom Size</u>	<u>Persons Per Household</u>	
	<u>Minimum</u>	<u>Maximum</u>
1	1	2

5. **Social Security Numbers:** Applicants are not required to provide SSN verification in order to be placed on the waiting list; however applicants must provide SSN verification before they can be housed. If the top of the waiting list applicant has not provided SSN verification for all household members, when an available unit is offered, the next eligible applicant must be offered the unit. The top of the waiting list applicant, who has not provided SSN verification, for all household members, has 90 calendar days to provide it to management. Day one starts on the date the available unit was offered. After 90 calendar days, if the applicant is unable to provide SSN verification, the applicant should be determined ineligible and removed from the waiting list. The eligibility determination is based on participation in either a PIH or HUD assisted program. The eligibility dated is based on the initial effective date of the HUD Form 50059. Additionally, SSN requirements do not apply to the following:
 - a. Those individuals who do not contend eligible immigration status or
 - b. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
 - c. A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent terminate tenancy.
6. **Birth Certificates:** Birth Certificates must be provided for all household members or proof of age from Social Security Administration, Veteran's Administration, Life Insurance Certification, driver's license, state ID cards or Company Pension.

7. **U.S. Citizenship:** Applicants must declare U.S. Citizenship, or submit evidence of eligible immigration status for each family member in accordance with Section 214 of the Housing and Community Development Act of 1980, as amended. Households that have no members with citizenship or eligible immigration status do not qualify for assistance. Pro-rated assistance is available to families whose households include at least one member with citizenship or eligible immigration status that has been verified through the INS.
8. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are as follows:
 - a. **Eviction for Drug Related Criminal Activity:** If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected.
 - b. **Illegal Drug Use:** If the applicant or any household member is currently engaged in illegal use of a drug or shows a pattern of illegal use that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
 - c. **Alcohol Abuse:** If a determination is made that the applicant or any household member's abuse, or pattern of abuse, of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
 - d. **Sex Offenders:** If the applicant or any household member has a conviction or adjudication other than acquittal, for any sexual offense, the application will be rejected.

Income Targeting

The owner is required to lease not less than 40% of new admissions in any given fiscal year to extremely low-income (30% of median income) applicants. Extremely low-income applicants will be selected until the 40% is met and a non-extremely low-income applicant reaches the top of the waiting list. In the event the number of units vacant exceeds the number of applicants on the waiting list any otherwise eligible applicant will be admitted regardless of income targeting.

Acceptance Criteria

All applicants must cooperate in completing the rental application and providing information necessary to determine an acceptable rental and criminal history. For acceptance the applicant and all members of the household must demonstrate:

1. **Good Rental History:** A willingness and ability to:
 - Conform to rules and regulations and a respect for the right of others;
 - Abide by the lease and house rules;
 - Pay rent and utilities on time
2. **Good Housekeeping:** Housekeeping habits at prior residences, which did not adversely affect the health, safety, or welfare of other residents or cause damage to the apartment or community.
3. **Good Criminal Record:** A history of the applicant, or any household member, which does not include any criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; any criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residences by persons residing in the immediate vicinity of the premises; any criminal activity that would threaten the health or safety of any property management staff responsible for managing the premises.
4. **Record Matching/Procedures for using the Enterprise Income Verification (EIV):** The owner through the US Department of HUD will match/verify information provided by the applicant/ resident using the Enterprise Income Verification system (EIV) including Existing Tenant Search Report, which verifies that neither the applicant nor family members are currently receiving rental assistance through HUD's Multifamily or Public Housing programs. If the applicant and/or family member is currently receiving rental assistance the Applicant will be allowed to explain the situation to the owner. The owner will follow-up the entity listed in the Existing Tenant Search Report to confirm applicant and/or family members' status before moving-in the applicant and family member.

Rejection Criteria

Management reserves the right to reject applicants for admission if it is determined that the applicant or any member of the household falls within any one or more of the categories listed below. Rejected applicants will be notified by mail within 4 days of the determined ineligibility date with explanation as to the cause of the rejection.

1. **Misrepresentation:** Willful or serious misrepresentation in the application procedure for the apartment or certification process for any government assisted dwelling unit.
2. **Records of Disturbance of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior:** Includes behavior or conduct which adversely affects the safety or welfare of other persons by physical violence, gross negligence or irresponsibility, which damages the equipment or premises in which the family resides, or which the family resides, or which is disturbing or dangerous to neighbors or disrupts the quiet and peaceful enjoyment of their home and community life.

3. **Violent Behavior:** Includes evidence of acts of violence or of any other conduct, which would constitute a danger or disruption to the peaceful occupancy of neighbors.
4. **Non-compliance with Rental Agreement:** Includes evidence of any failure to comply with the terms of rental agreements at prior residents, such as failure to recertify as required, providing shelter to unauthorized persons, keeping pets, or other acts in violation of rules and regulations.
5. **Owing Prior Landlords:** Applicants who owe a balance to present or prior landlords will not be considered for admission until the account is paid in full and reasonable assurance is obtained that the contributing causes for nonpayment of rent or damages have changed sufficiently to enable the family to pay rent and other charges when due.
6. **Unsanitary or Hazardous Housekeeping:** Includes generally creating any health or safety hazard through acts of neglect and causing or permitting any damage or misuse of premises and equipment, if the family is responsible for such hazard, damage or misuses, including but not limited to, causing or permitting infestation, foul odors or other problems injurious to other persons' health, welfare or enjoyment of the premises; depositing garbage improperly; failing to use in a reasonable and proper manner all utilities, facilities, services, appliances and equipment within the dwelling unit or failing to maintain them in a clean condition; or any other conduct or neglect which could result in health or safety problems or in damage to the premises.
7. **Criminal Activity:** Management has established a policy to reject all applications where the applicant or any household member has engaged in certain criminal activity. The activities that will be grounds for rejection of an application are as follows:
 - a. Any conviction or adjudication other than acquittal within the last five (5) years, which involved injury to a person or property.
 - b. Any conviction or adjudication other than acquittal for the sale, distribution or manufacture of any controlled substance.
 - c. Any conviction or adjudication other than acquittal within the last ten (10) years involving illegal use or possession of any controlled or illegal substance.
 - d. Any current illegal use or addict of a controlled or illegal substance.
 - e. Any act which results in the person's tenancy constituting a threat to the health or safety of other individuals, result in substantial physical damage to the property of others, or interfere with the peaceful and quiet enjoyment of the premises.
 - f. Any conviction or adjudication other than acquittal, for any sexual offense.
 - g. Any conviction or adjudication other than acquittal, which involved bodily harm to a child.
 - h. Eviction for Drug Related Criminal Activity: If the applicant or any household member has been evicted from federally assisted housing for drug related criminal activity, the application will be rejected.
 - i. Alcohol Abuse: If a determination is made that the applicant or any household member's abuse, or pattern of abuse of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents, the application will be rejected.
 - j. **Management reserves the right to require criminal background checks at each recertification. Management will do criminal background checks at re-certification if in receipt of credible and verifiable information.**
8. **Grievance Procedure:** Management will follow the grievance process in compliance with the requirements set forth in the HUD Handbook 4350.3 when rejecting an application, management will:
 1. Provide Notification in writing for reason of rejection;
 2. Inform the applicant they have 14 days to request in writing a meeting to discuss the rejection;
 3. Participate through a representative in an informal meeting;
 4. Provide written determination to the applicant within a reasonable time after the meeting.
9. **Reasonable Accommodation:** If the applicant requests an additional interview to determine whether mitigating circumstances or reasonable accommodations would make it possible to accept his/her application, Management will do so on Sections 504 of the Rehabilitation Act of 1973.
10. **Prohibitions for Rejecting Applicants Due to VAWA:** VAWA 2013 protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant's status as a victim of domestic violence, dating violence, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

Preferences & Priorities

It is likely that there will be more applicants for housing than can be assisted. In order to select those families most in need of housing, HUD has established the following priority and statutory categories that will be the basis of selecting residents from among all applicants:

- Statutory Preferences are given to applicants who have been displaced by government action or because of presidentially declared disaster.
- Local Preferences:
 - Homeless Veterans
 - Elderly age 62 and above
 - Near elderly disabled applicants age 55-61

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances. Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference. Preferences affect only the order of applicants on the waiting list. They do not make anyone eligible who was not otherwise eligible, and they do not change an owner's right to adopt and enforce resident screening criteria.

Waiting List Procedures

In the event that the property is on a waiting list the following procedures will be applied:

- Applicants will be informed upon application if there is a waiting list.
- Applicants who wish to be admitted to the property's waiting list must complete an application. The application must include a signature from the applicant certifying the accuracy and completeness of information provided. The application must be completed in full and all requested information must be provided (refer to ELIGIBILITY (PROGRAM) CRITERIA). Completion of online application is sufficient until applicant completes the in-office process.
- Owner's records must indicate the date and time the applicant submitted an application.
- If the waiting list is excessive the owner may close the waiting list and provide notice of the closing.
- When the owner agrees to open the waiting list and accepts applications again, the notice of this action must be announced in the Mayfield Messenger, posted in the Davis Apartment's office and Housing Authority central office.
- Whenever a change is made in the waiting list, an action is taken, or an activity specific to an applicant occurs, a notation must be made on the waiting list.
- All applicants will be contacted via mail to the address indicated on the application. Should the applicant not respond to the letter within 14 days of the date mailed, the applicant will be dropped from the waiting list with no further notice. The Housing Authority is not responsible for addresses not correctly entered into the application or no longer valid but not changed in the system by the applicant. It is the applicant's responsibility to keep the application current and accurate.

Policy for Unit Transfers

1. Transfers because of family size will not be allowed, as all units are one bedroom.
2. Transfers because of change in family composition will not be allowed, as all units are one bedroom
3. Transfers because of a verified medical necessity will be allowed, the owner will pay for the move
4. Transfers because of a resident needing an accessible unit will be allowed, the owner will pay for the move
5. Transfers because of a resident occupying an accessible unit but not needing an accessible unit will be required to move if an applicant or resident have a need for the accessible unit, the owner will pay for the move.
6. Transfers because a unit has become uninhabitable or is to undergo modernization requiring a vacant unit, the owner will pay for the move.
7. Transfers because of resident's desire will be allowed, provide the resident pays a \$500.00 fee.

Student

1. Applicants who are students (post- secondary) are eligible if any of the following is true:
 - a. Is at least 24 years old by December 31 of the award year for which aid is sought
 - b. Is an orphan or a ward of the court through the age of 18
 - c. Is a veteran of the US Armed Forces
 - d. Have legal dependents other than a spouse
 - e. Is a graduate or professional student.
 - f. Is married
 - g. Has established a household separate from parents/guardians and has not been claimed as a dependent by the parents/guardians tax returns for at least one year prior to applicant for occupancy.
 - h. Is a person already receiving Section 8 assistance as of November 30, 2005 and are disabled.
 - i. A student who is otherwise eligible and meets screening requirements is eligible for assistance if the student meets the criteria indicated below. Section 8 assistance shall be provided to any individual who is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; when the student: 1) is classified as Vulnerable youth 2) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.
 - j. Meets U.S. Department of Education's definition of an independent student
2. The student applicant whose parents/guardians are income eligible, meeting the low income limit, for the county of the parents/guardians' residence than the student applicant's parents' income is not considered and the student applicant exclusion does not apply.
3. Financial aid in excess of tuition is counted as income.

Definitions

1. **Adult** – An individual who is 18 years of age or older, or a minor under the age of 18 who has been emancipated to act on his/her own behalf, including the ability to execute a contract or lease.
2. **Head of Household** – The adult member of the family who is the head of the household for purposes of determining eligibility and rent.
3. **Co-Head of Household** – An adult member of the family who is treated the same as head of the household for purposes of determining income, eligibility, and rent.
4. **Disability** – Any condition or characteristic that renders an individual a *person with disabilities*.
5. **Elderly Person** – A person at least 62 years of age.
6. **Extremely Low-Income** – A person or family whose income does not exceed 30% of the median income for the area, as determined by HUD.
7. **Live-In Aid** – A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:
 - a. Is determined to be essential to the care and well-being of the persons;
 - b. Is not obligated for the support of the person; and
 - c. Would not be living in the unit except to provide the necessary supportive services.

Note: The live-in aid must apply and be processed pursuant to the guidelines set forth in the tenant selection plan, as any other applicant.

Violence Against Women (Domestic Violence)

Introduction

The VAWA protections apply to families applying for or receiving rental assistance at Davis Apartments. The Violence Against Women Act of 2013 (VAWA 2013) mandates that, consistent with HUD's nondiscrimination and equal opportunity requirements, victims of domestic violence, dating violence, sexual assault, and stalking cannot be discriminated against on the basis of any protected characteristics, including race, color, religion, sex, disability, familial status, national origin, or age. In addition, HUD programs must also be operated consistently with HUD's Equal Access Rule, which states that HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals and families without regard to actual or perceived sexual orientation, gender identity or marital status.

1. **Definitions:**

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 person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence – Means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (d) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Stalking – Means (A) (i) to follow, pursue, or repeatedly commits acts with the intent to kill, injure, harass, or intimidate; 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.

Immediate Family Member – Means, with respect to a person (A) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

Bifurcate – Means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain.

Affiliated Individual - An affiliated individual is defined as a spouse, parent, brother, sister, or child, or a person to whom an applicant/tenant stands in the place of a parent or guardian (for example, the affiliated individual is in one's care, custody, or control); or any individual, tenant, or lawful occupant living in a tenant's household.

2. **VAWA Protections:**

The law offers the following protections against eviction or denial of housing based on domestic violence, dating violence or stalking:

- a. **Policy for Applying Protections under VAWA 2013:** The VAWA law of 2013 protections for victims of domestic violence, dating violence, sexual assault, or stalking are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. Criminal activity directly relating to VAWA crimes engaged in by a member of a resident's household or any guest or other person under the resident's control,

shall not be cause for termination of assistance, or occupancy rights if the resident or an affiliated individual of the resident's family is the victim or the threatened victim of that abuse. Incidents of actual or threatened domestic/dating violence, sexual assault, or stalking will not be construed as serious or repeated violations of the lease by the victim (or threatened victim), and will not be good cause for the termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

- b. Protections for Tenants: A tenant receiving assistance under this HUD-assisted program may not be denied assistance, terminated from participation, or be evicted from rental housing because they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Also, if a tenant or an affiliated individual of the tenant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of a household or any guest, they may not be denied rental assistance or occupancy rights under this program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.
- c. Confidentiality of Information: The identity of a victim, and all information relating to VAWA incidents, will be retained in confidence by management and will not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is requested or consented to by the individual in writing; is required for use in an eviction proceeding; or is otherwise required by applicable law. Management will retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.
- d. Emergency Transfers: Under VAWA 2013 current victims are offered the protection of emergency transfers, which allow for survivors to move to another safe and available unit if they fear for their life and safety. Any current tenant seeking an emergency transfer will be required to complete a written Emergency Transfer Request, form HUD-5383, which will be made available upon request. In addition, management has an Emergency Transfer Plan available for perusal in the property office.
- e. Option to Bifurcate Lease: VAWA 2013 requirements provide that notwithstanding the restrictions placed on admission, occupancy, and termination of occupancy or assistance, or any Federal, State, or local law to the contrary, an O/A of assisted housing may bifurcate a lease for housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing who engages in *criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual*, and mandates that if such bifurcation occurs, and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, the management will provide any remaining tenant the opportunity to establish eligibility for the covered housing program. If the remaining tenant cannot establish eligibility, management will provide the tenant a reasonable time to find new housing or to establish eligibility under another covered housing program. VAWA 2013 provides that HUD is to determine what constitutes a reasonable time, which when established will be followed by the property.
- f. Providing a Reasonable Time: VAWA protects victims of domestic violence, dating violence or stalking, as well as their immediate family members, from being denied housing assistance if an incident of violence is reported and confirmed. An applicant's status as a victim of domestic violence, dating violence, or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

3. Giving Notice of Rights and Obligations under VAWA 2013

Management will support and assist victims of VAWA crimes, and will protect victims, as well as members of their family or affiliated individuals, from being denied housing or from losing their HUD assisted housing as a consequence of a VAWA-related crime.

- a. Notification of Occupancy Rights and Certification Form, HUD-5380
Effective on December 16, 2016, management will provide the *Notification of Occupancy Rights and Certification* form, HUD-5380, to all appropriate individuals at the following times:
 - To applicants when assistance is being denied;
 - To new households at the time of move-in into the property;
 - To current tenants during the annual recertification or lease renewal process. If there will be no recertification or lease renewal for a household during the 12-month period from December 16, 2016 through December 15, 2017, management will provide notice via US mail no later than December 15, 2017;
 - To current tenants with any notification of eviction or termination of assistance.
- b. Additional Documentation for Victims
Management will also give applicants/tenants the opportunity to provide (in lieu of the certification form or in addition to it), a federal, state, tribal, territorial, or local police record or court record, or documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic/dating violence, or stalking or, the effects of the abuse in which the professional

attests under penalty of perjury under 28 U.S.C 1746 to the professional's belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

- Management is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic/dating violence, or stalking in order to receive the protections of the VAWA. Management will provide assistance to an individual based solely upon the individual's statement or other corroborating evidence, and will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.
- Management will work with the applicants/tenants in making acceptable delivery arrangements for a certification form, such as inviting them into the office to pick up the certification form or making other discreet arrangements

4. Verification and Documentation for VAWA-Related Crimes

If an applicant or tenant represents to management that they are a victim of domestic violence, dating violence, sexual assault, or stalking who is entitled to protections or remedies under VAWA 2013, management will request that the applicant or tenant submit one of the following documentation:

- The *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation*, form HUD-5382; or
- A document signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of a VAWA crime, which also must be signed by the applicant/tenant; or
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- At the discretion of management, a statement or other evidence provided by the applicant or tenant.

5. Conflicting Information

If management receives documentation that contains conflicting information (including certification forms 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), management will require an applicant or tenant to submit third-party documentation, as described above, within 30 calendar days of the date of the request for the third-party documentation.

6. Owner's Rights and Responsibilities:

- a. Owner must provide tenants the option to complete the Certification form. The certification form will be made available to all eligible families at the time of admission, or in the event of a termination or start of an eviction for cause proceeding, the certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) days.
- b. Owners responding to an incident of actual or threatened domestic violence, dating violence or stalking that could potentially have an impact on a tenant's participation in the housing program may request in writing that an individual complete, sign, and submit with in fourteen (14) business days of the request, the HUD-approved certification form (HUD-91066). The owner may extend this time period at their discretion.
- c. Alternatively, in lieu of the certification form or in addition to it, owners may accept (a) a federal, state, tribal, territorial, or local police record or court record or (b) documentation signed and attested to by a professional (employee, agent, or in addressing domestic violence, dating violence or stalking or to the effects of the abuse. The signatory attests under penalty or perjury to their belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.
- d. Owners are not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence or stalking in order to receive the protections of the VAWA. Owners, at their discretion, may provide assistance to an individual based upon the individual's statement or other corroborating evidence.
- e. The identity of the victim and all information provided to the owner relating to the incident(s) of domestic violence will be retained in confidence by the owner and in a file separate from other tenant files.

7. Termination of Assistance or Eviction under VAWA

Tenants need to be aware that commission of crimes under VAWA may result in termination. If management seeks to terminate assistance to a VAWA perpetrator or an alleged VAWA perpetrator, management will follow program regulations and policies, including lease policies, which allow for such termination, as well as any applicable state and local laws.

a. Prohibited Basis for Denial or Termination of Assistance or Eviction under VAWA

A tenant assisted under a covered housing program may not be terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

b. Submission of False VAWA Claims

Submission of false information for a VAWA claim could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction. For more information on VAWA, see Section IX of this plan.

c. A Notice of Occupancy Rights under VAWA

A Notice of Occupancy Rights will be provided to a tenant with any notification of eviction or notification of termination of assistance to ensure residents are aware of these rights.