

EXHIBIT B

5-Year PHA Plan (for All PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 02/29/2016
---	---	--

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

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

A.	PHA Information.																															
A.1	<p>PHA Name: <u>Housing Authority of the City of Salem</u> PHA Code: <u>OR011</u></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>10/2019</u></p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p>Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p>Plans are available at the following locations:</p> <ol style="list-style-type: none"> 1. SHA Main office – 360 Church Street SE Salem, OR 97301 2. Northgate Village Office – 3557 Hawthorne Ave NE Salem, OR 97301 3. Glen Creek Office – 1320 Orchard Heights Rd NW Salem, OR 97304 4. Online at www.salemhousingOR.com <p>Copies of the plan will also be made available at the Resident Advisory Board and Housing Advisory Committee upon request.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																	
Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program																												
				PH	HCV																											
Lead PHA:																																
B.	5-Year Plan. Required for <u>all</u> PHAs completing this form.																															
B.1	<p>Mission. State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years.</p> <p>Salem Housing Authority's mission is to assist low-and moderate-income families to achieve self-sufficiency through stable housing, economic opportunity, community investment and coordination with social service providers.</p>																															

B.2	<p>Goals and Objectives. Identify the PHA’s quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low-income, and extremely low- income families for the next five years.</p> <p>SHA Goal – Expand the supply of assisted housing</p> <ul style="list-style-type: none"> • Maintain an average lease-up rate for its HCV program of 95% or better. • Continue to use CDBG and tax credits to provide additional affordable housing units outside of the Public Housing and HCV program. • Increase the amount of affordable housing for income limits at 60% AMI or lower. • Leverage a variety of funding sources to construct new replacement housing for SHA’s inventory. • Look to alternative programs within HUD that may work better than our existing goals through the RAD conversion. • Convert HCV’s to PBV’s for specific housing needs / goals. <p>SHA Goal – Improve the quality of assisted housing</p> <ul style="list-style-type: none"> • Regain and maintain the status of a “High Performer” in both the Public Housing and Section 8 Management Assessment Program. • Continually evaluate and improve Public Housing and HCV management practices. • Utilize varied funding sources to rehabilitate affordable housing units outside of the Public Housing and Housing Choice Voucher programs. • Invest and complete needed capital improvements as necessary to maintain the long-term viability of projects. • Continue to develop and maintain projects and units that are accessible. <p>SHA Goal – Increase assisted housing choices</p> <ul style="list-style-type: none"> • Continue to provide special vouchers and preferences to veterans, homeless families, and victims of domestic violence. • Continue to grow the number of affordable housing in addition to the Public Housing and HCV programs that it owns and manages. • Continue to utilize the Emergency Housing Network to coordinate with and support other housing and service providers in the community. • Continue to utilize the local renter’s association and other outreach efforts to build relationships with other governmental agencies, non-profits, and businesses to partner to increase options for low-income residents. <p>SHA Goal – Provide an improved living environment</p> <ul style="list-style-type: none"> • Maintain all SHA-owned and managed properties as non-smoking sites. • Work closely with residents to improve the sense of community at multifamily sites. • Continue to maintain all properties in excellent condition with preventative maintenance and inspections. • Continue to timely and adequately respond to all maintenance requests. <p>SHA Goal – Promote self-sufficiency and asset development of assisted households</p> <ul style="list-style-type: none"> • Continue to utilize grant-funded Family Self Sufficiency (FSS) Coordinators to successfully help both Voucher and Public Housing families to achieve self-sufficiency. • Continue to administer Valley Individual Development Accounts (VIDA) to help Public Housing and Voucher clients build savings and assets. • Continue to work with Oregon Department of Human Services to provide Family Unification Vouchers and support services to families at risk of separation. • Continue to improve policies and procedures to help tenants and participants identify critical needs and coordinate them with supportive services. <p>SHA Goal – Ensure equal opportunity and asset development of assisted households</p> <ul style="list-style-type: none"> • SHA shall continue to no discriminate against any person due to disability; race, color, religion, sex, source of income, familial status, national origin, actual or perceived sexual orientation, gender identity, marital status and/or domestic partnership in accessing, applying for or receiving assistance, or in treatment or employment in any of its programs and activities. • All public meetings shall be held in accessible locations. Appropriate aids (assistive listening device, interpreters, readers, assistance in filling out forms, etc.) shall be provided upon request. • Continue to offer and build Public Housing and affordable housing units that are accessible to persons with disabilities. • Continue to provide staff with Fair Housing training on at least an annual basis. <p>SHA Goal – Preservation of Affordable Housing</p> <ul style="list-style-type: none"> • Preserve 138 units of Public Housing through a RAD conversion. • Work with residents to determine the best method for preserving the remaining PH stock of 107 units. Evaluate HUD programs that best meet the needs of our clients and the community. Current options include: Streamlined Voluntary Conversion which converts PH tenants to Housing Choice Vouchers or Section 18 Demo / Disposition. Gather input and schedule meetings to review with tenants.
-----	---

New Activities**Project Based Vouchers (as of 3.19.19)
(Annual Plan)**

SHA is permitted by HUD regulations to convert a maximum of 20 percent of its Housing Choice Voucher allocation to Project Based Vouchers (PBVs). SHA has been granting PBVs to projects including those that help house challenging populations such as the chronically homeless and individuals who require specific supportive services. SHA also continues to provide VASH project-based vouchers as outlined in its 2018 Annual Plan.

PBV Site Selection Policy**Determinations**

Prior to selecting a PBV proposal, SHA must first determine that the site: (1) is consistent with SHA's goal of deconcentrating poverty and expanding housing and economic opportunities; (2) the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and all relevant implementing regulations established by HUD (24 CFR part 1; 24 CFR parts 100-199; and 24 CFR part 2017, respectively). SHA will apply the standard for deconcentrating poverty that is provided by the PHA Plan and SHA's Section 8 Administrative Plan. SHA must also determine that the site meets the Section 504 site selection requirements established by 24 CFR 8.4(b)(5), the HQS standards set forth in 24 CFR 982.401(l), and the housing site and neighborhood standards under 24 CFR 983.57(d)-(e).

Considerations

SHA shall consider the following when awarding PBVs:

- (1) Whether the census tract in which the proposed PBV development will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
- (2) Whether a PBV development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition;
- (3) Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization;
- (4) Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement;
- (5) Whether new market rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area;
- (6) If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, the PHA should consider whether in the past five years there has been an overall decline in the poverty rate; and
- (7) Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located.

Site Selection

After making the above-stated determinations and taking into account the above-stated considerations, SHA shall select the proposal that it determines will best further the goals stated in its PHA Plan and that are intended to be further through the PBV selection and award.

Description of SHA's PBVs as of 3/31/2019

Owner/Manager	Project	Location	Awarded	Project-Based
SHA	Redwood Crossings	NE Salem	31	0
SHA	Yaquina Hall	NE Salem	51	0
SHA	Southfair Apartments	NE Salem	32	0
Total			114	0

Awarded – Project has been allocated voucher to be project-based when development is complete and ready for occupancy.

Project-Based – Vouchers have been attached to specific units.

Description of Consistency with PHA Plan

SHA made all required determinations and considered all factors under 24 CFR 983.57 when awarding the PBVs described above. The projects to which the PBVs were awarded are located in census tracts where there are meaningful opportunities for educational and economic advancement, therefore; the award of these PBVs is consistent with the PHA Plan goals of expanding the supply of affordable housing, increasing assisted housing choices, providing improved living environments, and promoting self-sufficiency.

New Activities**Conversion of Public Housing to Project-Based Assistance under RAD
(Annual Plan)**

There are no significant changes to SHA's proposed conversion of public housing to project-based assistance under RAD as set forth in SHA's 2018/2019 PHA Plan. SHA's PHA Plan can be located at: <https://www.salemhousingor.com/plans-and-policies>.

B.3	<p>Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <p>SHA Goal: Expand the supply of assisted housing</p> <ul style="list-style-type: none"> • SHA utilizes CDBG and tax credits to provide additional affordable housing units outside of the Public Housing and Housing Choice Voucher programs. • SHA is utilizing CDBG and other funding sources to construct a total of 87 units across two projects that are slated to begin construction this year. • SHA has acquired a property and will begin construction on 35 Single Room Occupancy and two one-bedroom affordable housing units that will compose the future project named Redwood Crossings • SHA has acquired a property and will begin construction on 52 affordable housing units at Yaquina Hall. • SHA is also converting a community space at the Southfair Apartments affordable housing project to create two additional ADA units. <p>SHA Goal: Improve the quality of assisted housing</p> <ul style="list-style-type: none"> • SHA strives to regain its status as “High Performer” in both the Public Housing Assessment System and Section 8 Management Assessment Program, by raising its status in the Public Housing Assessment System from “Standard Performer” to “High Performer.” • Each year SHA utilizes Capital Fund Program funds to modernize Public Housing units to maintain the long-term viability of those units. • Public Housing units and sites are made accessible as required. • SHA is also converting a community space at the Southfair Apartments affordable housing project to create two additional ADA units. <p>SHA Goal: Increase assisted housing choices</p> <ul style="list-style-type: none"> • SHA provides special vouchers and preferences to veterans, homeless families and victims of domestic violence. • SHA owns and manages other affordable housing in addition to the PH and HCV programs. • Through the Emergency Housing Network SHA coordinates with and supports other housing and service providers in the community. • SHA is involved with its local renter’s association and plays an active role in educating landlords about the HCV program and encouraging their participation. <p>SHA Goal: Provide an improved living environment</p> <ul style="list-style-type: none"> • All SHA-owned and managed properties have been designated as non-smoking sites. • SHA works closely with residents to improve the sense of community at multi-family sites. One project utilizes a community garden to meet these goals. • SHA maintains all properties in excellent condition. • SHA timely and adequately responds to all maintenance requests <p>SHA Goal: Promote self-sufficiency and asset development of assisted households</p> <ul style="list-style-type: none"> • Grant-funded Family Self Sufficiency (FSS) Coordinators are successfully helping both Voucher and Public Housing families to achieve self-sufficiency. • SHA also administers Valley Individual Development Accounts (VIDAs) to help Public Housing and Voucher clients build savings and assets. • SHA works with the Oregon Dept. of Human Services to provide Family Unification Vouchers and support services to families at risk of separation. <p>SHA Goal: Ensure equal opportunity and affirmatively further fair housing</p> <ul style="list-style-type: none"> • The Housing Authority of the City of Salem does not discriminate against any person due to disability; race; color; religion; sex; source of income; familial status; national origin; or actual or perceived sexual orientation, gender identity, marital status and/or domestic partnership in accessing, applying for or receiving assistance, or in treatment or employment in any of its programs and activities. • All public meetings are held in accessible locations. Appropriate aids (assistive listening device, interpreters, readers, assistance filling out forms, etc.) are provided upon request. • Some Public Housing and affordable housing units are accessible to persons with disabilities. • For its affordable housing properties, SHA develops affirmative fair housing marketing plans, develops community contacts, and provides outreach to meet its marketing goals. <p>SHA Goal: Preservation of affordable housing</p> <ul style="list-style-type: none"> • In 2019, SHA intends to begin an extensive rehabilitation on Southfair Apartments. SHA will utilize a variety of funding sources to revitalize and extend the life of Southfair Apartments to continue to serve low income individuals. • In 2019, SHA intends to begin construction on RAD Phase 1 to rehabilitate its AMP3 multifamily apartments. This project will not only preserve and update existing units, it will also change some of the larger five bedroom units into smaller units, resulting in the addition of eight 1 and 2 bedroom units.
-----	---

B.4

Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.

SHA has adopted the following VAWA Policies that enables SHA to serve the needs of children and adult victims of domestic violence, dating violence, sexual assault, or stalking. SHA's VAWA policy as stated in its ACOP is as follows:

**PART I. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO
VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL
ASSAULT, OR STALKING**

17-1.A. OVERVIEW

The Violence against Women Reauthorization Act of 2005 (VAWA) prohibits denial of 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. Specifically, Section 607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the public housing program:

Every contract for contributions shall provide that the public housing agency shall not deny admission to the project to any applicant 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, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

17-1.B. DEFINITIONS USED IN VAWA

- The term bifurcate means, with respect to a Public Housing 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 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 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 immediate family member means, with respect to a person: (1) a spouse, parent, brother, or sister or child of that person to whom that person stands in loco parentis; or (2) any other person living in the household of that person and related to that person by blood or marriage.
- The term sexual assault means any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.
- 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.
- The term VAWA means: The Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, approved August 28, 2006), as amended by the U.S. Housing Act of 1937 (42 U.S.C. 1437d and 42 U.S. 1437f).

PART II: VAWA PROTECTIONS

17-II.A. VAWA PROTECTIONS

Notice of VAWA Protections

- SHA must provide notice to public housing tenants of their rights under VAWA including their right to confidentiality and the exceptions; and
- The Public Housing Lease and/or lease addendum, as applicable, must include a description of specific protections afforded to the victims of domestic violence, dating violence, sexual assault, or stalking.

Applicants

Admission to the program shall not be denied 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.

SHA Policy

SHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history that would warrant denial under SHA's policies.

Therefore, if SHA makes a determination to deny admission to an applicant family on the basis of an unfavorable history, SHA will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Tenants

An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated lease violation by the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking, or as good cause to terminate the tenancy of, occupancy rights of, or assistance to the victim.

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 immediate family member of the tenant is the victim.

Limitations of VAWA Protections

Nothing in the VAWA regulations limits the authority of SHA to evict a tenant or terminate assistance for a lease violation unrelated to domestic violence, dating violence, sexual assault, or stalking, provided that SHA does not subject such a tenant to a more demanding standard than other tenants in making the determination whether to evict or to terminate assistance or occupancy rights.

Nothing in the VAWA regulations may be construed to limit the authority of SHA to evict or terminate assistance to any tenant or lawful occupant if SHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to public housing if that tenant or lawful occupant is not terminated from assistance. In this context, words, gestures, actions or other indicators will be considered an "actual imminent threat" if they meet the standards provided below.

Any eviction or termination of assistance will be utilized by SHA only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeing other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents.

Actual and Imminent Threat

An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. 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; and
- The length of time before the potential harm would occur.

PART III: DOCUMENTING THE OCCURRENCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

17-III.A. DOCUMENTING OCCURRENCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Request for Documentation

When SHA is presented with a claim for continued or initial tenancy or assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking or criminal activity related to domestic violence, dating violence, sexual assault, or stalking SHA will request that the individual making the claim document the abuse.

The request for documentation will be in writing, and the tenant or applicant will be required to submit documentation within 14 business days after the date the individual received the request for documentation. SHA, at its own discretion, on a case by case basis, may extend the time period for submitting the documentation.

Forms of Documentation

The required documentation may:

- 1) Consist of a HUD-approved certification form indicating that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse. Such certification must include the name of the perpetrator, and may be based solely on the personal signed attestation of the victim; or
- 2) Consist of a Federal, State, tribal, territorial, or local police report or court record; or
- 3) Consist of documentation signed by an employee, agent, or volunteer of an employee, agent or volunteer of a victim service provider, an attorney, or medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of 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 in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, sexual assault, or stalking has signed or attested to the documentation; and
- 4) Shall be kept confidential by SHA. SHA shall not:
 - i) Enter the information contained in the documentation into any shared database;
 - ii) Allow SHA employees or those within their employ (e.g. contractors) to have access to such information unless explicitly authorized by SHA for reasons that specifically call for these employees or those within their employ to have access to this information; and
 - iii) Disclose this information to any other entity or individual, except to the extent that disclosure is:

- A) Requested or consented to by the individual making the documentation in writing;
- B) Required for use in an eviction proceeding, or
- C) Otherwise required by applicable law.

Failure to Provide Documentation

In order to deny relief for protection under VAWA, SHA must provide the individual with a written request for documentation of the abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt of SHA's written request, or such longer time as SHA at their discretion may allow, VAWA protections do not limit the authority of SHA to evict the tenant or a family member for violations of the lease that would otherwise constitute good cause to evict. The 14-business day window for submission of documentation does not begin until the individual receives the written request. SHA has discretionary authority to extend the statutory 14-day period.

Discretion to Provide Relief

At its discretion, SHA may provide benefits to an individual based solely on the individual's verbal statement or other corroborating evidence. SHA's compliance with this section, whether based solely on the individual's verbal statements or other corroborating evidence, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by SHA or an employee of SHA.

Response to Conflicting Certification

In cases where SHA 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, SHA may determine which is the true victim by requiring third party documentation as described in this section and in accordance with any HUD guidance as to how such determinations will be made. SHA shall honor any court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household.

PART IV: REMEDIES AVAILABLE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING IN HUD-ASSISTED HOUSING

17 - IV.A. REMEDIES

Lease Bifurcation

Notwithstanding any Federal, State, or local law to the contrary, SHA may bifurcate a lease, or remove a household member from a lease without regard to whether the household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any tenant or lawful occupancy who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, or local law for termination of leases under the public housing program.

Court Orders

Nothing in the final rule may be construed to limit the authority of SHA, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and to address the distribution of property among household members in a case where a family breaks up.

Effect on Other Laws

Nothing in the final rule shall be construed to supersede any provisions of any Federal, State or local law that provides greater protection than the final rule for victims of domestic violence, dating violence, sexual assault, or stalking.

SECTION 8 ADMINISTRATIVE PLAN

SHA's VAWA Plan as stated in its Section 8 Administrative Plan is substantially similar in nature, with noteworthy differences stated below:

Notification

SHA Policy

SHA 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 SHA's policies. Therefore, if SHA makes a determination to deny assistance to an applicant family, SHA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-5382. SHA will request in writing that an applicant wishing to claim protection under VAWA notify SHA within 14 business days.

Notification

Victim Documentation

SHA 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, SHA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-IX.D of this plan.

Perpetrator Documentation

SHA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following: A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit

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

Additional Items to Be Included in the Briefing Packet

SHA Policy

SHA will provide the following additional materials in the briefing packet:

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

Tenant Screening

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before PHA approval of the tenancy, the PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner [24 CFR 982.307(a)(2)]. The PHA must also inform the owner or manager of his/her rights and obligations under the Violence against Women Act of 2013 (VAWA) [24 CFR 5.2005(a)(2)].

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 2005 (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)].

Program Transfers

Current participants in a SHA administered 1937 Housing Act program who are over/under housed and/or are needing to move from their current unit due to domestic violence and/or as a reasonable accommodation; and SHA determines that there is no unit available in the program for which they are currently residing; will be placed on the Housing Choice Voucher waiting list; after being approved by the Section 8 Manager or their designated representative; in the date and time order of the approval of the request.

Voucher Extensions and Expirations

SHA Policy

When the family has used portability due to issues of domestic violence issues related to other VAWA regulations; under these circumstances SHA will approve one additional 60-day extension.

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, as 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 SHA, 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 an immediate family member of the tenant 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)]

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 SHA 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 SHA 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 SHA 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].

SHA Policy

When the actions of a participant or other family member result in a SHA decision to terminate the family's assistance and another family member claims that the actions involve criminal acts of physical violence against family members or others, SHA will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame. If the certification and supporting documentation are submitted within the required time frame, or any approved extension period, SHA will terminate the perpetrator's assistance. If the victim does not provide the certification and supporting documentation, as required, SHA will proceed with termination of the family's assistance. If SHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the participant's tenancy is not terminated, SHA will bypass the standard process and proceed with the immediate termination of the family's assistance.

12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(H), 24 CFR 982.310(H) (4)]

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 2005 (VAWA) and the conforming regulations in 24 CFR Part 5, Subpart L. (See section 12-III.E.)

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

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

- Complying with the Violence against Women Reauthorization Act of 2005 (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)).

EXHIBIT 16-3: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, or STALKING (HCV VERSION)

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Housing Choice Voucher Program

Emergency Transfers

The PHA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), the PHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of the PHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the PHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy

ADDITIONAL SECTION 8 ADMINISTRATIVE PLAN POLICIES

SHA's Section 8 Administrative Plan also contains the following policies that enables SHA to serve the needs of children and adult victims of domestic violence, dating violence, sexual assault, or stalking:

Victims of Domestic Violence

SHA will provide up to five (5) Housing Choice Vouchers each month for victims of domestic violence that have been nominated from the either Women's Crisis Center and/or the Marion or Polk County District Attorney's Office when vouchers are available and will be ranked on the waiting list per the chart below. Request for SHA's domestic violence vouchers will be selected based on a lottery system where SHA will draw names that have been submitted during the preceding month.

If a family is not selected the community partner may re-submit a new request for the next month's drawing as long as the family continues to meet the definition of a victim of domestic violence. A victim of domestic violence must meet the criteria found in the administrative plan. Once the initial drawing has been made for each local preference SHA will complete an initial review to determine if the family is eligible for assistance based on SHA's administrative plan.

Family Breakup

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, and stalking, section 16 IX.D of this plan.)

If the family breaks-up during the period they are on the waiting list or being assisted with a voucher; the designated Head of Household shall retain the voucher unless they are ineligible to do so. If the family break-up is due to domestic violence the victim will be eligible to retain the place on the waiting list or retain the voucher; if due to a family break-up where both parties are eligible for assistance the designated Head of Household would retain their place on the waiting list or assisted voucher unless they provide written documentation that they are surrendering their place on the waiting list and giving it to the other individual.

Allowable Moves

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)]. The PHA must adopt an emergency transfer plan as required by regulations at 24 CFR 5.2007(e).

SHA 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, SHA will request documentation in accordance with section 16-IX.D of this plan.

	<p>SHA 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.</p> <p>SHA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan.</p> <p>Portability</p> <p>Applicant Families</p> <p>SHA 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)].</p> <p>Participant Families</p> <p>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 2005 (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)].</p> <p>SHA Policy</p> <p>SHA will determine whether a participant family may move out of SHA'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. SHA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.</p>
B.5	<p>Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p>Substantial Deviation from the 5-Year Plan</p> <ul style="list-style-type: none"> • Changes to the organization of the waiting list. • Changes to policy on Voluntary Conversion of Public Housing <p>Specifically excluded from the definition of Substantial Deviation are:</p> <ul style="list-style-type: none"> • Changes to the Capital Fund Budget produced as a result of an approved RAD Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds; • Changes to the construction and rehabilitation plan for each approved RAD conversion; and • Changes to the financing structure of each approved RAD conversion. <p>Significant Amendment or Modification to the Annual Plan</p> <ul style="list-style-type: none"> • Any change <u>not already discussed in the Plan</u> with regard to demolition or disposition, elderly or disabled designation, homeownership programs, or conversion activities. • Addition of non-emergency capital work items not included in the Annual Statement or CFP 5-Year Action Plan.
B.6	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
B.7	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

Instructions for Preparation of Form HUD-50075-5Y

5-Year PHA Plan for All PHAs

A. PHA Information [24 CFR §903.23\(4\)\(c\)](#)

A.1 Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table.

B. 5-Year Plan.

B.1 Mission. 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. ([24 CFR §903.6\(a\)\(1\)](#))

B.2 Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. ([24 CFR §903.6\(b\)\(1\)](#)) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA's 5-Year Plan.

B.3 Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. ([24 CFR §903.6\(b\)\(2\)](#))

B.4 Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. ([24 CFR §903.6\(a\)\(3\)](#))

B.5 Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

B.6 Resident Advisory Board (RAB) comments.

(a) Did the public or RAB provide comments?

(b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.17\(a\)](#), [24 CFR §903.19](#))

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

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