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| <b>5-Year PHA Plan<br/>(for All PHAs)</b> | <b>U.S. Department of Housing and Urban Development<br/>Office of Public and Indian Housing</b> | <b>OMB No. 2577-0226<br/>Expires: 02/29/2016</b> |
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

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

| <b>A.</b>          | <b>PHA Information.</b>  |                    |          |                             |                                 |                              |                                 |                              |     |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| A.1                | <p>PHA Name: Housing Authority of the City of Long Beach _____ PHA Code: CA068 _____</p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): 10/2019 _____</p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1" data-bbox="240 1318 1445 1927"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | Participating PHAs | PHA Code | Program(s) in the Consortia | Program(s) not in the Consortia | No. of Units in Each Program |                                 | PH                           | HCV | Lead PHA: |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Participating PHAs | PHA Code   |                    |          |                             |                                 | Program(s) in the Consortia  | Program(s) not in the Consortia | No. of Units in Each Program |     |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|                    |  | PH                 | HCV      |                             |                                 |                              |                                 |                              |     |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Lead PHA:          |  |                    |          |                             |                                 |                              |                                 |                              |     |           |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| <b>B.</b>  | <b>5-Year Plan.</b> Required for <u>all</u> PHAs completing this form.  |
| <b>B.1</b> | <p><b>Mission.</b> State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years.</p> <p>The mission of the HACLB is to provide high quality housing assistance to Long Beach's low income household through:</p> <ul style="list-style-type: none"> <li>• Effectively and efficiently utilizing resources</li> <li>• Promoting a positive image through excellent customer services and clear and open communication, and</li> <li>• Continually educating staff and clients.</li> </ul>  |
| <b>B.2</b> | <p><b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.</p> <ul style="list-style-type: none"> <li>• HACLB WILL CONTINUE TO EXPAND THE SUPPLY OF ASSISTED HOUSING AND IMPROVE THE QUALITY OF ASSISTED HOUSING;</li> <li>• HACLB WILL CONTINUE TO EXPAND HOUSING OPTIONS FOR SPECIAL AND VULNERABLE POPULATIONS;</li> <li>• HACLB WILL CONTINUE TO IMPROVE THE CLIENT EXPERIENCE THROUGH CUSTOMER SERVICES EXCELLENCE AND CONTINUOUS PROCESS IMPROVEMENT.</li> <li>• HACLB WILL CONTINUE TO PROMOTE SELF-SUFFICIENCY;</li> </ul>  |
| <b>B.3</b> | <p><b>Progress Report.</b> Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <p><b>ATTACHED</b></p>  |
| <b>B.4</b> | <p><b>Violence Against Women Act (VAWA) Goals.</b> Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>HACLB applies the statutes of the Violence Against Women Act (VAWA) law in order to serve the needs of victims of domestic violence, dating violence, sexual assault and/or stalking.</p> <p>HACLB will do the following and encourage property owners to do the same:</p> <ul style="list-style-type: none"> <li>• Not deny access to victims of domestic violence solely related to their being abused;</li> <li>• Institute the transfer policy to ensure protection of the victim family;</li> <li>• Honor court orders regarding rights of access or control;</li> <li>• Maintain victim confidentiality; and Refer victims to agencies related to domestic</li> </ul> <p><b>ATTACHED POLICY</b></p> |
| <b>B.5</b> | <p><b>Significant Amendment or Modification.</b> Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p>The HACLB defines significant amendment or modification as a change to waiting list organization, eligibility criteria or termination of assistance.</p>   |
| <b>B.6</b> | <p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y N<br/> <input checked="" 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> <p><b>ATTACHED</b></p>   |
| <b>B.7</b> | <p><b>Certification by State or Local Officials.</b></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

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### A. PHA Information 24 CFR §903.23(4)(e)

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)

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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.

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HACLB will fully comply with all federal, state and local nondiscrimination laws and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063 – Equal Opportunity in Housing
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (as applicable, otherwise Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Amendments govern)
- Joint Statement of the Department of HUD and the Department of Justice, issued May 17, 2004, (Reasonable Accommodations Under the Fair Housing Act).
- Final Rule: Violence Against Women Reauthorization Act of 2013 (VAWA)
- Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule (published in the *Federal Register* – February 3, 2012)
- Equal Access in Accordance with Gender Identity Final Rule (published in the *Federal Register* – September 21, 2016)
- Additional protections, if adopted by the federal government, State legislature and/or the City of Long Beach, extending source of income protections to Section 8 Housing Choice Voucher holders and other recipients of third-party housing subsidies, e.g. Veterans Affairs Supportive Housing (VASH).

When more than one civil rights law applies to a situation, the laws will be read and applied together. Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted will also apply.

#### PHA Policy

In addition to federal laws, California fair housing laws apply, including, but not limited to:

- Fair Employment and Housing Act (FEHA) (Gov. Code. §12900 et seq.)
- The Unruh Civil Rights Act
- California Government Code 12955 – Prohibited Housing Discrimination

If the applicant does not contact HACLB to dispute the information within the 10-day period, HACLB will proceed with issuing a Notice of Denial. An applicant that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the Informal Review process.

The applicant will be notified of a decision to deny assistance in writing within fifteen (15) business days of the determination.

If a PHA uses a criminal record or sex offender registration information obtained under Title 24, Part 982, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and/or relevance of the information before the PHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record. [24 CFR §5.903(f) and §5.905]

PHAs must give the applicant family an opportunity to dispute the accuracy and relevance of that record, in the Informal Review process in accordance with program requirements. [24 CFR §982.553(d)]

#### PHA Policy

If based on a criminal record or sex offender registry, an applicant appears to be ineligible, HACLB will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record.

The applicant will be given ten (10) business days to dispute the accuracy and/or relevance of the information. If the family does not contact HACLB to dispute the information within the 10-day period, HACLB will proceed with issuing a Notice of Denial. An applicant that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the Informal Review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B. Notice policies related to denying applicants who may be victims of domestic violence, dating violence or stalking are contained in Section 3-III.G.

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

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

Definitions of key terms used in VAWA are provided in section 16-IX of this Plan, along with general VAWA requirements and policies.

## **Notification**

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a notice of rights and the Form HUD-5380 and Form HUD-5382 at the time the applicant is denied.

### PHA Policy

HACLB 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 HACLB's policies.

Therefore, if HACLB makes a determination to deny assistance to an applicant family, HACLB will include in the notice of denial: the VAWA information described in section 16-IX.C of this Plan, as well as a copy of Form HUD-5380 and Form HUD-5382. HACLB will request in writing that an applicant wishing to claim protection under VAWA notify HACLB within ten (10) business days.

## **Documentation**

***Victim Documentation*** [24 CFR Part 5, Subpart L, §5.2007]

### PHA Policy

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

## ***Perpetrator Documentation***

### PHA Policy

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

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

- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully;
- HACLB will require the participant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully;
- In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family.

**Reasonable Accommodations [24 CFR §982.552(c)(2)(iv)]**

If the family includes a person with disabilities, the PHA's decision to terminate HCV assistance is subject to consideration of Reasonable Accommodation, in accordance with 24 CFR Part 8.

PHA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, HACLB will determine whether the behavior is related to the disability. If so, upon the family's request, HACLB will determine whether alternative measures are appropriate as a Reasonable Accommodation.

HACLB will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance. (see Chapter 2 for a discussion of Reasonable Accommodation)

**12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE or STALKING**

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

**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 the PHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the PHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the housing unit. [24 CFR §982.354(b)(4)]

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

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

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

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

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

Likewise, VAWA does not limit the PHA's authority to terminate the assistance of a victim of domestic violence, dating violence, sexual assault or stalking, if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property, if the victim is not terminated.

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

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



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

#### PHA Policy

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

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat

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

#### **Documentation of Abuse** [24 CFR Part 5, Subpart L, §5.2007]

##### PHA Policy

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

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

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

Although VAWA provides protection against termination of assistance for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives PHAs the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others" without terminating assistance to "or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant". [24 CFR §5.2009(a)]

This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state or federal law regarding termination of assistance. This means that the PHA must follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family. [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs]

PHA Policy

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

In making a decision, HACLB will consider all credible evidence, including, but not limited to, a signed certification (Form HUD-5382) or other documentation of abuse submitted to HACLB by the victim in accordance with this section and section 16-IX.D. HACLB will also consider the factors in section 12-II.D. Upon such consideration, HACLB may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If HACLB terminates the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations and the policies in this Plan.

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

HUD regulations require PHAs to provide written notice of termination of assistance to a family only when the family is entitled to an Informal Hearing. However, since the family's HAP Contract and lease will also terminate when the family's assistance terminates, it is a good business practice to provide written notification to both owner and family any time assistance will terminate, whether voluntarily or involuntarily.

PHA Policy

When a family's assistance will be terminated, HACLB will send a written notice of proposed termination to the family and the owner. HACLB will also include Form HUD-5380 and HUD-5382, i.e. VAWA information. The notice will state the effective date of the proposed termination. This date will be at least thirty (30) calendar days following the date of the termination notice. Exceptions will be made when HUD rules, other HACLB policies or the circumstances surrounding the termination require an earlier date.

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

If a family whose assistance is being terminated is entitled to an Informal Hearing, the notice of termination that the PHA sends to the family must meet the additional HUD and the PHA notice requirements discussed in section 16-III.C of this Plan. VAWA 2013 expands notification requirements to require the PHA to provide notice of VAWA rights and form HUD-5380 and HUD-5382 when the PHA terminates a household's housing benefits.

#### PHA Policy

Whenever HACLB decides to terminate a family's assistance because of the family's action or failure to act, HACLB will include the VAWA information described in section 16-IX.C of this Plan and Form HUD-5380 and HUD-5382 with the termination notice. HACLB will request in writing that a family member wishing to claim VAWA protection notify HACLB within ten (10) business days.

Still other notice requirements apply in two situations:

- If a criminal record is the basis of a family's termination, a copy of the record must accompany (or precede) the termination notice and a copy of the record must also be provided to the subject of the record; and [24 CFR §982.553(d)]
- If immigration status is the basis of a family's termination, as discussed in section 12-I.D, the special notice requirements in section 16-III.D must be followed.

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

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

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

#### **12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY**

[24 CFR §982.310, 24 CFR §5.2005(c) and Form HUD-52641-A, Tenancy Addendum] During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law or other good cause.

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

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

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and HACLB's policies in three areas: notification, documentation and confidentiality. Specific VAWA requirements and HACLB's policies are located primarily in the following sections:

- 3-I.C "Family Breakup and Remaining Member of Tenant family";
- 3-III.G "Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence and Stalking";
- 10-I.A "Allowable Moves";
- 10-I.B "Restrictions on Moves";
- 12-II.E "Terminations Related to Domestic Violence, Dating Violence or Stalking"; and
- 12-II.F "Termination Notice."

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

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

- The term *stalking* means:
  - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

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

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

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

##### PHA Policy

HACLB will post the following information regarding VAWA in its offices and on its website. HACLB will also make the information readily available to anyone who requests it. (sample notices in Exhibits 16-1 and 16-2)

A summary of the rights and protections provided by VAWA to HCV program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault or stalking.

The definitions of *domestic violence, dating violence, sexual assault and stalking* provided in VAWA.

An explanation of the documentation that HACLB may require from an individual who claims the protections provided by VAWA.

A copy of Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking.

A statement of HACLB's obligation to keep confidential any information received from a victim unless: (a) HACLB has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding or (c) it is compelled by law to release the information.

The National Domestic Violence Hotline: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Contact information for local victim advocacy groups or service providers.

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

PHAs are required to inform program applicants and participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when assistance is denied, for admission to the HCV program and when a PHA sends notification of an eviction or termination of housing benefits.

PHA Policy

HACLB will provide all applicants with information about VAWA at the time of application for housing assistance. HACLB includes information about VAWA in all notices of denial of assistance (section 3-III.G).

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

VAWA information provided to applicants and participants will consist of the notice in Exhibit 16-1 and a copy of Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault and Stalking.

In addition to Exhibit 16-1, HACLB has implemented an Emergency Transfer Plan, with associated recordkeeping and reporting requirements, as described in Federal Register 2016-25888.

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

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

PHA Policy

HACLB will provide owners and managers with information about their rights and obligations under VAWA when program participation begins with the HCV program and at least annually thereafter.

The VAWA information provided to owners will consist of the notice in Exhibit 16-2 and a copy of Form HUD-5382, Certification of Domestic Violence, Dating Violence and Stalking.

**16-IX.D. DOCUMENTATION [24 CFR Part 5, Subpart L, §5.2007]**

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

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

- (1) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim;

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

PHAs may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation.

#### PHA Policy

Any request for documentation of domestic violence, dating violence, sexual assault or stalking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline. HACL B may, in its discretion, extend the deadline for ten (10) business days. Any extension granted by HACL B will be in writing.

#### **Conflicting Documentation** [24 CFR Part 5, Subpart L, §5.2007(e)]

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

#### PHA Policy

If presented with conflicting certification documents (two or more forms HUD-5382) from members of the same household, HACL B will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR §5.2007(e) and by following any HUD guidance on how such determinations should be made.

#### **Discretion to Require No Formal Documentation** [24 CFR Part 5, Subpart L, §5.2007(d)]

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

PHA Policy

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

**Failure to Provide Documentation** [24 CFR Part 5, Subpart L, §5.2007(c)]

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

**16-IX.E. CONFIDENTIALITY** [24 CFR Part 5, Subpart L, §5.2007(b)(4)]

All information provided to the PHA regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information without explicit authorization and a need to know the information for purposes of their work and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding or (c) otherwise required by applicable law.

PHA Policy

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



**EXHIBIT 16-1: Notice of Occupancy Rights under the Violence Against Women Reauthorization Act of 2013 (VAWA)**

**Form HUD-5380**

**Housing Authority of the City of Long Beach (HACLB)  
Notice of Occupancy Rights under the Violence Against Women Act<sup>1</sup>**

**To all Tenants and Applicants**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Section 8, Public Housing, and other covered housing programs is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

**Protections for Applicants**

If you otherwise qualify for assistance under the Section 8, Public Housing or other covered housing programs, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Tenants**

If you receive assistance under Section 8, Public Housing or other covered housing programs, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under Section 8, Public Housing or other covered housing programs solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

**Removing the Abuser or Perpetrator from the Household**

HACLB may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HACLB chooses to remove the abuser or perpetrator, HACLB may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HACLB must allow the tenant who is or was a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

<sup>1</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

In removing the abuser or perpetrator from the household, HACLB must follow Federal, State, and local eviction procedures. In order to divide a lease, HACLB may, but is not required to, ask you for documentation/certification of the incidences of domestic violence, dating violence, sexual assault or stalking.

### **Moving to Another Unit**

Upon your request, HACLB may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HACLB may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) **You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) **You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) **You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future. **OR**
- (4) **You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HACLB will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HACLB's emergency transfer plan provides further information on emergency transfers, and HACLB must make a copy of its emergency transfer plan available to you if you ask to see it.

### **Documenting You Are/Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

HACLB can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HACLB must be in writing, and HACLB must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HACLB may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HACLB as documentation. It is your choice which of the following to submit if HACLB asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HACLB with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.

- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HACLB has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HACLB does not have to provide you with the protections contained in this notice.

If HACLB receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as 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 abuser or perpetrator), HACLB has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation when there is conflicting evidence, HACLB does not have to provide you with the protections contained in this notice.

#### **Confidentiality**

HACLB must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HACLB must not allow any individual administering assistance or other services on behalf of HACLB (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HACLB must not enter your information into any shared database or disclose your information to any other entity or individual. HACLB, however, may disclose the information provided if:

- You give written permission to HACLB to release the information on a time limited basis.
- HACLB needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HACLB or your landlord to release the information.

VAWA does not limit HACLB's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases when a family breaks up.

#### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HACLB cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HACLB can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HACLB can demonstrate the above, HACLB should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

#### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

#### **Non-Compliance with the Requirements of this Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the local HUD Field Office.

#### **For Additional Information**

You may view a copy of HUD's final VAWA rule at:

<https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

Additionally, HACLB must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact HACLB at (562) 570-6985.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY).

You may also contact:

- Long Beach Multi-Service Center, (562) 570-4500, 1301 W. 12<sup>th</sup> Street, Long Beach CA
- Interval House Hotline, (562) 594-4555, 6615 E. Pacific Coast Hwy Suite 170, Long Beach CA

For tenants who are/have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center: <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault and/or victims of stalking seeking help, you may contact:

- For emergencies: call 9-1-1
- For non-emergencies: call LBPD Dispatch at (562) 435-6711  
A uniformed police officer will respond to your location or victims may walk into any police station to report the incident.

**Attachment:** Certification Form HUD-5382.

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

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

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence and stalking. The name of the law is the Violence Against Women Act or "VAWA." This notice explains your obligations under VAWA.

**Protections for Victims**

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

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

**Permissible Evictions**

You can evict a victim of domestic violence, dating violence or stalking if you can demonstrate that there is an *actual and imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence or stalking. You cannot hold a victim of domestic violence, dating violence or stalking to a more demanding standard than you hold tenants who are not victims.

**Removing the Abuser from the Household**

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

**Certification of Domestic Violence, Dating Violence or Stalking**

If a tenant asserts VAWA's protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence or stalking. You are not required to demand official documentation and may rely upon the victim's statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- A completed, signed HUD-approved certification form. The most recent form is HUD-5382. This form is available at the housing authority or online at [https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud5](https://www.hud.gov/program_offices/administration/hudclips/forms/hud5).
- A statement from a victim service provider, attorney or medical professional who has helped the victim address incidents of domestic violence, dating violence or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both the victim and the professional must sign the statement under penalty of perjury.
- A police or court record, such as a protective order.  
If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

### **Confidentiality**

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence or stalking. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.  
The victim should inform you if the release of the information would put his or her safety at risk.

### **VAWA and Other Laws**

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases when a family breaks up. VAWA does not replace any federal, state or local law that provides greater protection for victims of domestic violence, dating violence or stalking.

### **Additional Information**

- If you have any questions regarding VAWA, please contact:
- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at: <http://www.hud.gov/offices/adm/hudclips/>.
- For a discussion of VAWA's housing provisions, see the preamble to the final VAWA rule, which is available at: <http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf>.

## **Definitions**

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

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

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

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

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

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

**[Insert Name of Housing Provider<sup>1</sup>]**

**Notice of Occupancy Rights under the Violence Against Women Act<sup>2</sup>**

**To all Tenants and Applicants**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>3</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **[insert name of program or rental assistance]** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

**Protections for Applicants**

If you otherwise qualify for assistance under **[insert name of program or rental assistance]**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Tenants**

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<sup>1</sup> The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD’s program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

<sup>2</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.



If you are receiving assistance under [insert name of program or rental assistance], you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under [insert name of program or rental assistance] solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

#### **Removing the Abuser or Perpetrator from the Household**

HP may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HP chooses to remove the abuser or perpetrator, HP may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HP must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

### **Moving to Another Unit**

Upon your request, HP may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HP may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

**(2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HP will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HP's emergency transfer plan provides further information on emergency transfers, and HP must make a copy of its emergency transfer plan available to you if you ask to see it.

**Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

HP can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HP must be in writing, and HP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HP may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HP as documentation. It is your choice which of the following to submit if HP asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HP has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HP does not have to provide you with the protections contained in this notice.

If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as 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 abuser or perpetrator), HP has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HP does not have to provide you with the protections contained in this notice.

### **Confidentiality**

HP must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HP must not allow any individual administering assistance or other services on behalf of HP (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HP must not enter your information into any shared database or disclose your information to any other entity or individual. HP, however, may disclose the information provided if:

- You give written permission to HP to release the information on a time limited basis.
- HP needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HP or your landlord to release the information.

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

**Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HP cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HP can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HP can demonstrate the above, HP should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

**Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to

additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

**Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **[insert contact information for any intermediary, if applicable]** or **[insert HUD field office]**.

**For Additional Information**

You may view a copy of HUD's final VAWA rule at **[insert Federal Register link]**.

Additionally, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **[insert name of program or rental assistance contact information able to answer questions on VAWA]**.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **[Insert contact information for relevant local organizations]**.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact **[Insert contact information for relevant organizations]**

Victims of stalking seeking help may contact **[Insert contact information for relevant organizations]**.

**Attachment:** Certification form HUD-5382 **[form approved for this program to be included]**

## **Resident Board Meeting 4.17.19**

### **Housing Authority Staff Present:**

Alison King, Kari Faithful, Maria Campa, Nida Watkins, Joi Dailey, Beverly Rucker, Mechell Roberts, Gerlanda Larry, and Marlem Landa

**Participants Present:** Please see sign-up sheet attached.

### **Call to Order (4:39pm)**

### **Agenda Items (presented with a Power Point presentation):**

- Introductions
- What is a Resident Advisory Board (RAB)?
- Housing Authority Documents
- Housing Authority of the City of Long Beach's (HACLB) Mission
- HACLB's Goals
- Administrative Plan Chapters: 4, 5, 11, 15, and 16

### **Minutes:**

#### **Introductions by Alison King**

**Alison King explains the Resident Advisory Board and its role with HACLB.**

#### **Alison King introduces:**

- 5-Year Public Housing Agency (PHA) plan, effective 10/1/19
- Housing Choice Voucher (HCV) Administrative Plan
- Mission Statement
- HACLB's Goals
  - Goal 1 – will continue to expand the supply and quality of assisted housing through outreach to owners, applications for additional vouchers, preservation of existing affordable housing and project basing.
  - Goal 2 – will continue to expand housing options for special and vulnerable populations.
  - Goal 3 - will continue to improve the client experience through education of staff.
  - Goal 4 – will continue to promote self-sufficiency and asset development.



## Resident Board Meeting 4.17.19

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**Goal #1** – HACLB will continue to expand the supply and improve the quality of assisted housing.

King discussed the rental market over the past several years and the short supply of affordable housing and rising rents. The recent government shutdown and future funding information was also discussed at length along with the impact to assisted family rents. Payment standards and how they have been adjusted sometimes multiple times a year to ensure that owners are being compensated fairly and rents remain manageable to participants. Explained and solicited input on project based vouchers, small area FMRs and payment standards. In this goal the HA will outreach to owners, identify opportunities for additional vouchers, the preservation of existing affordable housing and project basing.

#### Concerns/Questions/Comments

- Participant Burnet - [the move process] was simple, received packet, and looked around at different places, met with the owner. The only problem was \$35 credit check.
- Participant Hickman - [the move process was] difficult moving, he almost had an eviction. It was difficult, 2-4 months to find something. An owner finally allowed him to move in. Paid 3 credit checks and was turned away from all of the apartments. Credit score 500.
- Participant McDaniels - just moved to a better area. Wanted to move because a smoke shop opened next to her. She is not a mover. She has good credit and had a smooth transition.
- Participant Marcus - went to look at a place. Was priced out. Smooth transition.
- Participant Vargas - difficult because he is a single father of two small children. Was afraid that his voucher almost expired. Had an eviction in his record and couldn't find a place. Was living in motels, cars, and now he has a place to live.
- Participant Newman - After 5 years of living in the same place the rent went up. Went to the MSC she was able to find a place and found place. (Used a homeless set aside via the CES – referral process was explained.
- Participant Burnett- concern as to why Anchor Place (PBV) decided they were no longer taking vouchers? Answer: each PBV is site specific in their selection criteria and while you may not have met that criteria there are other developments coming on line.
- Participant McDonald - (participant)- suggestions: to sign up with Section 8 and had the opportunity for PBV. And sign up for as many PBV as possible

**Conclusion:** All in attendance support increasing set asides to reach the homeless and displaced who are not on the waiting list, additional vouchers, project basing to preserve affordable housing.

## **Resident Board Meeting 4.17.19**

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**Goal #2** – HACLB will continue to expand housing options for special and vulnerable populations.

King explained Los Angeles County Ballot Initiative for Measure H funding and the B4 strategy currently implemented as the Housing Incentive Program, the need for additional vouchers to support those experiencing chronic homelessness and those being displaced from housing due to gentrification, the housing shortage and rising rents.

#### **Concerns/Questions/Comments**

- Participant Charles – concerned about Section 8 discrimination and lack tenant protection. Answer: King explained that the housing authority bureau as the Health Department is and will be working with the city's Development department to protect voucher holders and all renters from discriminate due to both source of income and absence of renter protections such as extreme rent increases thus displacing them.
- Participant McKay – would like to see new vouchers to help more of the elderly being displaced.
- Hickman (participant) - why does it take so long to be picked from the waiting list? Answered by explaining that only by attrition on new vouchers offered as there are generally no new allocations other than VASH. Explained that we will not be able to lease up to our full allocation due to the average amount being paid per voucher as it exceeds what HUD gives up to spend. Due to reserves from our implementation of the Small Area FMRs we had reserves to get us through the inflated rental market and government shutdown. Many agencies are experiencing short fall. Because we have using up our reserves, we very likely will be in shortfall next fiscal year.

Conclusion: Board was pleased about funds being made available to those experiencing homelessness and want to continue increasing the options for them as well as FUP, Mainstream and VASH.

**Goal #3** - HACLB will continue to improve the consumer experience through customer service excellence and continuous process improvement.

King discussed ongoing improvements to the website, electronic opportunities to interact with staff via email and online portals for applicants, participants and owners. Greater phone and email response times via improved customer service model and additional staff.

#### **Participant Concerns/Questions/Comments**

Participant Burnett - Forms should be online.

Participant McKay - Consider using seniors as volunteers. Technical skills are great but still need a live person.

All - Keep preferences for waiting lists.

All - Want to see all customers be able to interact electronically and in person for all certifications and communication.

Conclusion: HACLB will actively increase opportunities to have participants interact with the HA both in person and online. More communication will be emailed and mail will always be  
**Resident Board Meeting 4.17.19**

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an option for reasonable accommodations. The HA office move was discussed and the proposed Hughes Way location was disclosed to members. Discussion ensued about bus access and ample parking at the proposed new location but because it is on the edge of the city, other health department locations will be used in all points of the city to provide additional access points.

**Goal #4** – HACLB will continue to promote self-sufficiency and asset development.

King discussed Family Self Sufficiency program, open orientation sessions, financial literacy workshops, educational opportunities, workforce partnerships, the current job market and the homeownership program.

- Participant McKay - Money Smart workshop allowed him to obtain a car. Encouraged others to join.
- J. Williams (participant) - when individuals are applying for a voucher, to push FSS so individuals, it will allow for programs to obtain a home.

No Further Concerns/Questions/Comments

**Alison King presents proposed changes for Chapters 4, Chapter 5, Chapter 11, and Chapter 15.**

No Concerns/Questions/Comments

**Alison King presents proposed changes for Chapter 16 – To use the Housing Authority of the County of Los Angeles utility allowance schedule.**

Concerns/Questions/Comments

Participant Williams and others agree that gas utility prices are higher in Long Beach than other cities in LA county and are concerned that the LA County rates will not adequately reflect costs in Long Beach.

Participant Collette - is using senior discount, care program.

Alison King recommended a vote whether HACLB should conduct its own utility allowance schedule (survey) vs. using the County of Los Angeles' utility allowance schedule.

**The participants voted for HACLB to continue to run its own utility allowance schedule.**

**Alison King presents Housing Authority proposed moved**

HACLB will be relocating from its current office in downtown due to the loss of parking and the need for more space. Not many options in the commercial real estate market that provide both space, accessible location and ample parking. One of the proposed sites is on the far northwest side of the city and if selected there will be a need for remote locations. As a bureau within the Health Department, the housing authority can partner with them to create a presence across the entire city.

**Concerns/Questions/Comments**

Participant McKay - will need to use the freeway.

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Participant - does it have a bus route?

Participant Newman - how safe are these locations? Answer: these are all locations where clients are served safely and security is present. Their information will be protected via locked document boxes.

**Alison King announce HACLB is celebrating our 50th year anniversary in December 2019.**

**Aliso King announced Public Hearing July 19**

**Feedback:**

Better communication from the agency.

Appreciate how hard the agency works.

**Adjournment 5:45pm**

## **Progress Report -**

Within the scope of HACLB's mission, specific goals have been established:

**Goal #1 Progress:** HACLB will continue to improve management to better service customers.

- HACLB hired an Ombudsman/Community Liaison to assist in resolving owner and program participant concerns and identifying areas for improved customer service.
- Electronic acceptance of lease up documents to expedite the inspection and lease up process.
- HACLB reception monitor loop educational and information videos to clients in waiting area.
- Initiated mobility counseling to provide additional assistance for voucher holders facing challenges during the housing search process post move briefing.

**Goal #2 Progress:** HACLB will continue to reach out to additional property owners.

- HACLB during the five-year period held four three focus groups, quarterly orientations and in the current fiscal year, monthly informational and learning forums.
- Increased the owner newsletter from quarterly to bi-monthly.
- Created owner/landlord window where service to owners is expedited.
- Presentations to 13 owner requested events sponsored the apartment association and landlord groups.

**Goal #3 Progress:** HACLB will continue to promote self-sufficiency and asset development of assisted households.

- HACLB continues to conduct financial literacy worksheets, orientations and specifically for Family Self Sufficiency participants but they are open to all participants.
- HACLB FSS program graduated over 120 participants who met their goals many of whom have started businesses, graduated from two and four year institutions but all who have increased their earned income.

**Goal #4 Progress:** HACLB will continue to educate staff on changing regulations that pertain to policies and procedures that affect a family's eligibility and assistance.

- Implemented bi-weekly staff development training to provide regulatory updates and professional development training.
- Complete update administrative plan and training of all staff on all chapters.
- All housing specialist and housing inspectors that have completed probation are certified in the respective classification.
- All Management staff have certified in HCV Executive Management and HCV Financial Management.
- All Supervisors certified as HCV Specialist, Supervisory Management and most in Program Management.

**Goal #5 Progress:** HACLB will investigate any additional, available, and affordable rental subsidy programs that could address local housing needs.

- Received 141 additional Veterans Affairs Supportive Housing (VASH) vouchers in the five-year period for a total of 805.
- HACLB preserved affordable housing in the project based contract for Sara's Apartment a family development with supportive services 28 units and project based 109 VASH vouchers and 80 housing choice vouchers.
- HACLB is a sub recipient of Los Angeles County's Measure H five-year ballot initiative since 2018. Funds are used to support persons experiencing homelessness and provides deposit assistance and essential items to families and landlord incentives of holding fees and damage claims.

**Goals #6 and # 7 Progress:** Maintain a leasing rate that maximizes available funding for the HCV program and strive to use 98% - 100% of available funding for all other programs.

- HACLB has used over 100% of budget authority for the three consistent fiscal years.