City of Roanoke Redevelopment and Housing Authority

2019 Annual Plan

Agency Plan 2015 — 2019

RRHA

CITY of ROANOKE REDEVELOPMENT and HOUSING AUTHORITY

PARTNERS IN PROGRESS

Please do not remove plan

EQUAL HOUSING OPPORTUNITY

Streamlined Annual PHA Plan *(High Performer 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-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

Definitions.

(1) ***High-Performer PHA*** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.

(2) ***Small PHA*** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.

(3) ***Housing Choice Voucher (HCV) Only PHA*** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.

(4) ***Standard PHA*** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.

(5) ***Troubled PHA*** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.

(6) ***Qualified PHA*** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

A. PHA Information.

A.1

PHA Name: City of Roanoke Redevelopment and Housing Authority **PHA Code**: VA011
PHA Type: ☐ Small ☒ High Performer
PHA Plan for Fiscal Year Beginning: (MM/YYYY): 10/2019
PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)
Number of Public Housing (PH) Units 1,275 Number of Housing Choice Vouchers (HCVs) 2,077
Total Combined 3,352
PHA Plan Submission Type: ☒ Annual Submission ☐ Revised Annual Submission

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 of 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 website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

The public may obtain copies of the 2019 Annual Plan, including all required plan elements, PHA policies, and other relevant information at each RRHA development management office, the RRHA central office, and on the RRHA website. A copy of the complete 2019 Annual Plan will be provided to the Joint Resident Council and all active Resident Councils. The public may obtain additional information regarding RRHA policies by accessing the Public Housing Admissions and Continued Occupancy Policy and the Administrative Plan for the Section 8 Housing Choice Voucher Program on the RRHA website.

☐ **PHA Consortia**: (Check box if submitting a Joint PHA Plan and complete table below)

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. Annual Plan Elements

B.1 **Revision of PHA Plan Elements.**

(a) Have the following PHA Plan elements been revised by the PHA since its last **Annual PHA Plan** submission?

Y	N	
☒	☐	Statement of Housing Needs and Strategy for Addressing Housing Needs.
☐	☒	Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.
☒	☐	Financial Resources.
☐	☒	Rent Determination.
☐	☒	Homeownership Programs.
☐	☒	Safety and Crime Prevention.
☐	☒	Pet Policy.
☐	☒	Substantial Deviation.
☐	☒	Significant Amendment/Modification

(b) The PHA must submit its Deconcentration Policy for Field Office Review.

(c) If the PHA answered yes for any element, describe the revisions for each element below:

Statement of Housing Needs: RRHA intends to apply to participate in HUD's Moving to Work Demonstration Program – Cohort #2. A letter of interest package will be submitted by June 12, 2019 deadline.

Financial Resources: This information has been updated to reflect financial resources for 2019.

B.2 **New Activities.**

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?

Y	N	
☒	☐	Hope VI or Choice Neighborhoods.
☐	☒	Mixed Finance Modernization or Development.
☒	☐	Demolition and/or Disposition.
☐	☒	Conversion of Public Housing to Tenant Based Assistance.
☒	☐	Conversion of Public Housing to Project-Based Assistance under RAD.
☒	☐	Project Based Vouchers.
☒	☐	Units with Approved Vacancies for Modernization.
☒	☐	Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA Plan.

Hope VI or Choice Neighborhoods: RRHA completed a Transformation Plan for the Loudon-Melrose/Shenandoah West neighborhood utilizing funding from a Choice Neighborhoods Planning Grant awarded to RRHA by HUD in 2012. The Plan was submitted to HUD in October 2014, and implementation of the plan is underway. As part of this Transformation Plan, the Public Housing site at Lansdowne Park will be totally redesigned and reconfigured, including mixed-income development on the site and one for one replacement of Public Housing units on and off the site. RRHA plans to convert units at Lansdowne Park under HUD's Rental Assistance Demonstration (RAD) program as described in detail below.

Demolition and/or Disposition: Conversion of Public Housing to Tenant Based Assistance: RRHA is evaluating potential opportunities to apply for low-income housing tax credits (LIHTC) as part of the implementation efforts of the Loudon-Melrose/Shenandoah Choice Neighborhood Transformation Plan mentioned above. A LIHTC application may be submitted to the Virginia Housing Development Authority that, if successful, would provide financing to convert some public housing units to tenant based assistance.

Acquisition of Properties for Future Development: RRHA has signed options or draft options pending on several properties in the City of Roanoke. In addition, RRHA is submitting a proposal for a City owned property and is discussing transfer of a City owned property, both of which are adjacent to Lansdowne Park. The acquisition of these properties will further RRHA's goals to implement the *Choice Neighborhoods Loudon-Melrose/Shenandoah West Transformation Plan*, deconcentrate poverty in the City of Roanoke, provide homeownership opportunities and convert public housing through RAD. If using Capital Funds, RRHA will require said options to be contingent upon a site acquisition approval by the Field Office. The properties that RRHA currently intends to acquire or enter a due diligence option period for are:

- City of Roanoke Official Tax Map Number 3250110
- City of Roanoke Official Tax Map Numbers 3250203-5 inclusive
- City of Roanoke Official Tax Map Number 3250214
- City of Roanoke Official Tax Map Number 2420206
- City of Roanoke Official Tax Map Number 2420208
- City of Roanoke Official Tax Map Numbers 2420114-7 inclusive
- City of Roanoke Official Tax Map Number 4013002-4 inclusive
- City of Roanoke Official Tax Map Numbers 4013009-12 inclusive
- City of Roanoke Official Tax Map Number 4013014-5 inclusive
- City of Roanoke Official Tax Map Number 4013018
- City of Roanoke Official Tax Map Numbers 4013101-24 inclusive
- City of Roanoke Official Tax Map Numbers 7170111-9 inclusive
- City of Roanoke Official Tax Map Number 6040605
- City of Roanoke Official Tax Map Number 3340110
- City of Roanoke Official Tax Map Number 3120410
- City of Roanoke Official Tax Map Numbers 3120416-24 inclusive
- City of Roanoke Official Tax Map Numbers 3120715-8 inclusive
- City of Roanoke Official Tax Map Numbers 3120404-9 inclusive
- City of Roanoke Official Tax Map Numbers 3120701-6 inclusive
- City of Roanoke Official Tax Map Number 3250604
- City of Roanoke Official Tax Map Number 3250607
- City of Roanoke Official Tax Map Numbers 3061007-12 inclusvie
- City of Roanoke Official Tax Map Number 3060806
- City of Roanoke Official Tax Map Numbers 3060818-23 inclusive
- City of Roanoke Official Tax Map Numbers 3061110-2 inclusive
- City of Roanoke Official Tax Map Numbers 3061121-4 inclusive
- City of Roanoke Official Tax Map Number 3060206
- City of Roanoke Official Tax Map Numbers 3221915-6 inclusive

In addition to these properties, RRHA will budget funds to acquire other properties that will achieve the aforementioned long-range goals and plan implementation.

Conversion of Public Housing to Project-Based Assistance under RAD: RRHA has applied and been issued a Commitment for Housing Assistance Payments (CHAP) for Rental Assistance Demonstration (RAD) conversion of the 300 public housing units at Lansdowne Park. The RAD application will help implement the *Choice Neighborhoods Loudon-Melrose/Shenandoah West Transformation Plan*. RRHA applied for a transfer of assistance to develop new units, in a multiphase RAD application, and raze the units at Lansdowne. A site, or sites, outside of the neighborhood will be selected for new development of a portion of the units. Such site, or sites, will have a low rate of poverty and low minority concentration. Some units will be redeveloped adjacent to or on the current Lansdowne site, consistent with the Choice Neighborhoods Plan. Tenants in the existing units at Lansdowne will remain in those units until such time that either the new units are close to completion, or a suitable relocation for those tenants becomes available.

Project Based Vouchers: In addition to the RAD conversions noted above, RRHA will evaluate the need for project-based vouchers to ensure availability of sufficient high quality housing to meet identified housing needs and will set aside or seek new vouchers for this purpose if needed.

Units with Approved Vacancies for Modernization: RRHA plans to use a loan financed through the Operating Fund Financing Program (OFFP) for converting public housing units for accessibility by tenants with disabilities. HUD has approved RRHA's OFFP application, and improvements will be completed in 2019.

Other Capital Grant Programs: RRHA plans to use accumulated Replacement Housing Factor (RHF) funds as well as a loan financed through the Operating Fund Financing Program (OFFP) to develop new replacement public housing units in the Hurt Park neighborhood. HUD approval of RRHA's OFFP application is pending.

B.3	**Progress Report.** Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan. RRHA has made significant progress in meeting goals and objectives of the 2015-2019 Agency Plan. RRHA has achieved High Performer designation in both the Public Housing and Section 8 programs. RRHA has maintained Public Housing program occupancy averaging 99%. RRHA is also currently assisting 11 participants with mortgage payments in the Housing Choice Voucher Homeownership program. RRHA is operating a successful Jobs-Plus Demonstration Program, utilizing a grant from HUD, which has increased employment among work-able residents at Lansdowne Park by more than 10%. One member of the RRHA Board of Commissioners is a resident of public housing. RRHA also has an active Resident Advisory Board, the Joint Resident Council, Inc., which promotes active participation and involvement by residents in all aspects of RRHA's mission and operations. RRHA received a Choice Neighborhoods Planning Grant in 2012 and engaged with the community to develop a Transformation Plan for the Loudon-Melrose/Shenandoah West Neighborhood. Implementation of the Transformation Plan is underway, with multiple community partners engaging in activities to improve the neighborhood. Property performance measures are reviewed by management staff and reported to the Board of Commissioners monthly. RRHA has developed and implemented staff and board development policies that ensure training in ethics as well as progressive skill development by staff and commissioners.
B.4.	**Most Recent Fiscal Year Audit**. (a) Were there any findings in the most recent FY Audit? Y N ☐ ☒ (b) If yes, please describe:
	Other Document and/or Certification Requirements.
C.1	**Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan** Form 50077-ST-HCV-HP, *Certification of Compliance with PHA Plans and Related Regulations*, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.2	**Civil Rights Certification.** Form 50077-ST-HCV-HP, *Certification of Compliance with PHA Plans and Related Regulations*, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.3	**Resident Advisory Board (RAB) Comments.** (a) Did the RAB(s) provide comments to the PHA Plan? Y N ☒ ☐ If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.
C.4	**Certification by State or Local Officials.** Form HUD 50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan.

D	**Statement of Capital Improvements**. Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).
D.1	**Capital Improvements.** Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD. See HUD Form 50075.2, submitted to HUD on 7/3/2018. RRHA's 2019 5-Year Action Plan was submitted to HUD on 5/9/2019. RRHA intends to use a portion, up to 20%, of annual Operating Subsidy for the Capital Fund Program, as allowed by the Housing Opportunity Through Modernization Act of 2016 (HOTMA), in accordance with HUD notice PIH 2018-03 (HA).

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 and Annual PHA Plan. 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.

Public reporting burden for this information collection is estimated to average 16.64 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.

Certifications of Compliance with PHA Plans and Related Regulations ***(Standard, Troubled, HCV-Only, and High Performer PHAs)***	**U.S. Department of Housing and Urban Development** Office of Public and Indian Housing **OMB No. 2577-0226** **Expires 02/29/2016**

PHA Certifications of Compliance with the PHA Plan and Related Regulations including Required Civil Rights Certifications

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the___ 5-Year and/or_X_Annual PHA Plan for the PHA fiscal year beginning 10/01/2019, hereinafter referred to as" the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
   - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
   - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
   - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

City of Roanoke Redevelopment and Housing Authority — PHA Name

VA011 — PHA Number/HA Code

__X__ Annual PHA Plan for Fiscal Year 2019

_____ 5-Year PHA Plan for Fiscal Years 20____ - 20____

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

Name of Authorized Official Ed Garner	Title Chair, Board of Commissioners
Signature Edward A Garner	Date May 20, 2019

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

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 2/29/2016

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

I, Keith Holland (*Official's Name*), the Community Resource Program Administrator (*Official's Title*)

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

City of Roanoke Redevelopment and Housing Authority (*PHA Name*)

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of Impediments (AI) to Fair Housing Choice of the

City of Roanoke (*Local Jurisdiction Name*)

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

The PHA Plan addresses provision of affordable, quality housing for families of low-income and opportunities for affordable homeownership, consistent with the City's Consolidated Plan and the AI. In addition, RRHA's redevelopment of Villages at Lincoln, Hurt Park and planned redevelopment of Lansdowne Park, provide housing well-integrated with surrounding neighborhoods, consistent with the Consolidated Plan and AI.

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

Name of Authorized Official	Title
Keith Holland	Community Resource Program Administrator
Signature	Date
[signature]	5/21/19

Attachment C: Resident Advisory Board Comments

The draft 2019 Annual Plan update to the 2015-2019 Agency Plan was provided to the Joint Resident Council, Inc. and active resident councils. Councils were requested to provide comments regarding the 2019 Annual Plan by May 20, 2019. No comments were received.

- 2019 Annual Plan Community Meeting Comments

RRHA held community meetings at all public housing sites and with Housing Choice Voucher participants and landlords to gather resident input for the 2019 Annual Plan update to the 2015-2019 Agency Plan. Written responses have been provided by RRHA staff. These comments and responses will be included in the 2019 Annual Plan document and will be available for review at all public housing site management offices, the RRHA administrative office, and on the RRHA website.

Villages at Lincoln – February 21, 2019 – 5:30 p.m. (2 attendees)

Capital Improvements

1. Increase ADA compliance

   Response: The public sidewalks at the Villages At Lincoln will be evaluated for the need for wheelchair ramps to be installed at intersections. The installation of ramps at intersections will be included in the Capital Fund Program 5-Year Action Plan for FY 10/1/2022 – 9/30/2023.

2. Paint the curbs blue

   Response: The curbs at Villages at Lincoln are located in the public right-of–ways for City of Roanoke streets. RRHA does not have the authority to paint the curbs for City streets.

3. Lack of handicap parking

   Response: The only public housing at the Villages At Lincoln with off-street parking are the senior cottages, all of which have accessible parking areas. Residents who need a designated on-street parking space due to a disability can make a request to the City of Roanoke.

4. Replacement windows

   Response: The end date for the expected 30-year life cycle for the existing windows does not fall within the current Capital Fund Program 5-Year Action Plan. Problems with windows will be handled through the work order system.

Management Items

1. Good Site Manager and Team - Responsive

   Response: Thank you for the positive comments and feedback. Our goal is to provide great customer service to our families, in responding to matters in a timely manner.

2. FSS Coordinator - Great job, talk often and communicates good information

   Response: Thank you for the positive feedback. Greg is very dedicated to the success of the FSS Program and he is very knowledgeable regarding the resources available to assist participants as they work toward their goals.

3. Need Resident Council – Encourage more caring for our neighbors.

   Response: The names of residents that have expressed an interest in a Resident Council have been forwarded to the President of the Joint Resident Council, to make contact and provide assistance with creating a Council.

4. Fix any trust issues – assuming past history

   Response: Residents are sometimes afraid to speak out against other residents, due to fear of retaliation. They may be aware of individuals who are creating issues in the community but are afraid to speak up. In an effort to engage and encourage participation, Management coordinated a meeting with Roanoke City Police Department on November 01, 2018 at 3:00 PM, but the attendance was very limited. Meetings will be scheduled on a quarterly basis to encourage community participation and involvement.

5. Programs for elderly/disabled

   Response: Coordinating with League of Older Americans, LOA, to organize Programs and Activities for elderly/disabled residents of the Community.

6. Smoke detectors (audio/visual impaired)

   Response: Handled through RRHA's work order system.

Hunt Manor – February 26, 2019 – 5:30 p.m. (1 attendee)

Capital Improvements Items

1. Handicapped ramp

   Response: RRHA management will evaluate feasibility of installing wheelchair ramps for a limited number of dedicated handicapped parking spaces for the 804 - 814 Hunt Avenue buildings.

2. Install additional windows in back for air conditioner

   Response: Current funding constraints do not allow for the installation of additional windows for the purpose of installing window A/C units.

3. Central air

   Response: Phased HVAC Upgrades for Hunt Manor are in Capital Fund 5-Year Action Plan beginning FY 10/1/2021 – 9/30/2022.

Management Items

1. Bldg. 812 - Reserved parking

   Response: Reserved parking would require a lease revision. Management does not consider this feasible at this time.

2. Grass, bare spots

   Response: Plans underway to revamp the landscaping across the property in 2019.

3. Pave road going up to 9th

   Response: 9th street is maintained by the City of Roanoke. Management will contact the City to inquire if they are willing to pave the road.

4. Bldg. 812 - Replace trash can – playground

   Response: The trash can is in good repair and condition; replacement is not needed at this time.

5. Divide porches with at least painted lines so each resident has personal space

   Response: The porches are currently shared versus exclusive use. Dividing porches for individual use is not feasible at this time.

6. Security at night

Response: Management works closely with the Roanoke City Police Department and encourages residents to do so as well. RRHA has a contract with the City Police Department to provide above-baseline policing at RRHA sites, and there are no current plans to replace these services with onsite private security services at this time.

7. Bldg. 812 - Carpet on steps

Response: Due to the configuration of the staircases, installing carpet poses a serious trip hazard. Management does not consider installing carpet on the staircases to be feasible at this time.

Bluestone Park – February 26, 2019 – 6:30 p.m. (3 attendees)

Capital Improvements Items

1. Storm doors need gaskets – first 4 units

   Response: Purchase Order has been awarded for making modifications and repairs to entrance door units including the screen doors.

2. Window replacement

   Response: Window replacement for Bluestone Park is in Capital Fund 5-Year Action Plan for FY 10/1/2021 – 9/30/2022.

3. Unit 2601 - Walk-in tub

   Response: Existing accessible units at Bluestone were constructed to meet Section 504 standards at the time the units were built or modified. The replacement of an existing tub with a walk-in shower unit would be very costly and would require the reworking of supply and waste plumbing for the bathroom, possible relocation of bathroom walls, removal and reinstallation of ceiling, wall, and floor finishes, demolition of concrete floor slab, etc. The extent of the work performed would result in the unit not being able to be occupied while modifications are being made. RRHA is currently seeking bids for accessibility modifications to be made to seven (7) existing public housing units at two (2) RRHA developments. The modifications include walk-in or roll-in shower units.

Management Items

1. Unit 2807 – Air under baseboard

   Response: Handled through RRHA's work order system.

2. Units 2601-2604 – Storm doors

   Response: The screen doors for these units are in good repair, and newer than screen doors throughout the property. The residents in these units prefer the quality of the older doors. Management has several older doors to replace this fiscal year that are not in good repair. Possibility of replacing these newer ones down the road as funds allow.

3. Unit 2601 – Black substance on back door

   Response: An environmental consultant will be contacted to evaluate the substance on the rear door.

4. Unit 2807 – Replace toilet tank

   Response: Handled through RRHA's work order system.

Section 8 Participants – February 27, 2019 – 5:30 p.m. (8 attendees)

None

Section 8 Landlords – February 27, 2019 – 6:30 p.m. (16 attendees)

1. Contact owners of apartments under construction to promote Section 8 Program.

   Response: This was an excellent suggestion, and we are in the process of contacting the owners of new developments and establishing relationships.

Melrose Towers – February 28, 2019 – 3:00 p.m. (43 attendees)

Capital Improvements Items

1. Replace windows

   Response: Replacement of windows is included in Capital Fund 5-Year Action Plan for FY 10/1/2019 – 9/30/2020.

2. Install covered smoking area

   Response: Current funding constraints do not allow for the installation of a covered smoking area to be included in the Capital Fund 5-Year Action Plan.

3. Install outside lighting in back of building

   Response: An evaluation of the site lighting at the rear of the building will be made. If the installation of additional site lighting is determined to be needed, the additional site lighting will be included in the Capital Fund 5-Year Action Plan.

4. Replace kitchen cabinets

   Response: Current funding constraints do not allow for the replacement of kitchen cabinets to be included in the Capital Fund 5-Year Action Plan. Replacement of kitchen cabinets and countertops are performed on an as needed basis or as apartment units are being renovated after replacement of floor tile.

5. Replace window screens

   Response: Replacement of windows is included in Capital Fund 5-Year Action Plan for FY 10/1/2019 – 9/30/2020. Existing window screens will be replaced during that work. Until the windows are replaced, problems with window screens will to be handled through the work order system.

6. Add cameras in elevators and laundry room

   Response: The need to install additional cameras at Melrose Towers will be evaluated. If it is determined that additional cameras are needed, the installation of the additional cameras will be included in the Capital Fund 5-Year Action Plan.

7. Add cameras in stairwell on even floors

   Response: The need to install additional cameras at Melrose Towers will be evaluated. If it is determined that additional cameras are needed, the installation of the additional cameras will be included in the Capital Fund 5-Year Action Plan.

Management Items

1. Appreciate Ms. Barbara

Response: A letter from management will be sent out with April's rent statements thanking residents for their compliments about staff during the Community Meeting and encouraging continued feedback to the Management Office.

2. Clean vents in apartments

   Response: Maintenance staff will clean vents as they perform work orders in units so that vents are not dusty. Residents are also encouraged to call in work orders specifically to have vents cleaned as necessary.

3. Downsize 2-bedroom apartments

   Response: Management will work with those individuals who currently occupy 2-bedroom apartments if they meet criteria to be considered over housed and have signed a waiver to accept a unit transfer, as qualifying families are identified who need a 2-bedroom unit.

4. Security in building at night

   Response: RRHA has an agreement with Roanoke City Police for above-baseline policing, which includes patrols during peak weekend hours. Melrose Towers currently has cameras that record inside and outside activity as well as automatic-locking doors, with only residents and staff having keyed access outside of office hours. Management will review budget for upcoming year to see if additional security measures are financially feasible.

5. Repair or replace washers and dryers

   Response: Management had a contractor assess each machine in the building and make necessary repairs. Nearly every machine was serviced. Replacement of machines was budgeted into the current year; however, due to unforeseen building repairs, funding will not allow replacement of all machines this year. Management will budget for additional replacement of machines next year.

6. Hallways need regular cleaning – may need to get outside contractor

   Response: The floors and general upkeep/cleaning is handled in-house through site maintenance. During the past year, Melrose Towers experienced much time being short-staffed with maintenance, thus having to focus on priority maintenance repairs and needs. Melrose Towers is currently fully staffed, and multiple residents have reported to the office that they are very pleased with the current results.

7. On-call response time is too long

   Response: Management will continue to monitor and address on-call response times to ensure the best possible outcome for our residents.

8. Unit 807 - Countertop loose, coming apart

   Response: Management is presently obtaining a quote to replace the countertop as it is beyond repair.

9. Clean or replace lobby furniture

   Response: Management had a contractor to sanitize and clean the upholstery on each piece of furniture in the lobby. Management is planning to include replacement of lobby furniture with non-fabric seating in the upcoming year's budget.

10. Elevators and tracks need cleaning

    Response: Handled through RRHA's work order system. Routinely, the contracted elevator service company will clean the elevator tracks.

11. Unit 613 & Unit 401 – Replace window screens

    Response: Handled through RRHA's work order system.

12. Maintenance short-handed

    Response: Staffing shortages are a high priority for RRHA, and positions are filled as quickly as possible.

13. Unit 921 - Cabinets

    Response: Due to the nature, extent and quantity of the repairs and/or replacements needed in this unit, Management has involved the VP of Operations in providing a solution. Resident will be transferred into a different apartment during repairs.

14. Automatic front door needs repair or replacement - stays open too long

    Response: The front automatic doors are currently working to standard. The length of time the door remains open is to allow for persons who are elderly or disabled to have enough time to completely enter the doorway.

15. Unit 906 – apartment wasn't turned

    Response: Maintenance will follow up with tenant to discuss concerns.

16. Parking in handicapped spaces without decals

    Response: Management sent notice to residents to remind everyone that unauthorized use of handicapped spaces will result in towing the vehicle at the owner's expense.

17. Unit 811 – floor tiles cannot be cleaned

    Response: Due to the age of the tile, some tile has become discolored.

18. Need to know what Resident Council does for residents

    Response: Residents who have questions regarding the role, purpose, or activities relating to Resident Council should direct questions to the Joint Resident Council.

19. Unit 712 & Unit 908 – garbage disposal removed from under the sink

    Response: Management has decided, due to the repeated expense of frequent item replacement resulting from misuse, to completely remove garbage disposals from units once they become inoperable and not replace them.

20. Trash has been better with new management

    Response: A letter from management will be sent out with April's rent statements thanking residents for their compliments about staff during the Community Meeting and encouraging continued feedback to the Management Office.

21. Trash chute knobs not secure; get stuck

    Response: Maintenance will replace the knobs on all trash chutes.

22. Staff is wonderful

    Response: A letter from management will be sent out with April's rent statements thanking residents for their compliments about staff during the Community Meeting and encouraging continued feedback to the Management Office.

23. Unit 712 – would like to have air conditioner removed, cleaned and replaced.

    Response: Because window air conditioners are not standard RRHA equipment, RRHA must charge a fee for the cost of any maintenance performed on the AC unit. Also, since RRHA's maintenance staff are not certified to perform such maintenance, the scope of work available is limited.

24. Repaint parking lot lines

    Response: Repainting of striping for parking areas will be handled as maintenance through the operating budget.

Lansdowne Park – February 28, 2019 – 5:30 p.m. (11 attendees)

Capital Improvements Items

1. Need to update boilers

   Response: Replacement of major building components, such as replacement of heating boilers, for existing buildings at Lansdowne Park are not scheduled to be undertaken due to financial investment for implementation of the Choice Neighborhoods Transformation Plan. Improvements to existing heating boiler systems are included in the FY 2018 – 2019 Capital Fund Plan. Current problems with heat are to be handled through the work order system.

2. Need to update cameras

   Response: The need to install additional cameras at Lansdowne Park will be evaluated. If it is determined that additional cameras are needed, the installation of the additional cameras will be included in the Capital Fund 5-Year Action Plan.

3. Install central air conditioning

   Response: Replacement of major building components, such as installation of central air conditioning, for existing buildings at Lansdowne Park are not scheduled to be undertaken due to financial investment in the implementation of the Choice Neighborhoods Transformation Plan.

4. Install pantry doors

   Response: Current funding constraints do not allow for the replacement of pantry doors to be included in the Capital Fund 5-Year Action Plan. Problems with pantry doors will be handled through the work order system.

5. Update hot water system

   Response: Replacement of major building components, such as the replacement of domestic hot water systems, for existing buildings at Lansdowne Park are not scheduled be undertaken due to financial investment in the implementation of the Choice Neighborhoods Transformation Plan. Problems with domestic hot water are to be handled through the work order system.

Management Items

1. Unit S.T. 2716 – Weather stripping on front door

   Response: Handled through RRHA's work order system.

2. Unit S.T. 2712 – New stove and kitchen window

   Response: Handled through RRHA's work order system.

3. Unit D. 2519 – Ceiling Repair and Bathroom

   Response: Contacted contractor to perform repairs

4. Unit D. 2440 – Pantry door

   Response: Once pantry doors are damaged and removed, they are not replaced due to sizing. Doors are the original door and would require special ordering.

Indian Rock Village and Scattered Sites – March 5, 2019 – 6:00 p.m. (6 attendees)

Capital Improvements Items

1. Cabinets

   Response: Current funding constraints do not allow for the replacement of kitchen cabinets to be included in the Capital Fund 5-Year Action Plan. Replacement of kitchen cabinets is performed on an as needed basis.

2. Flooring

   Response: Current funding constraints do not allow for the replacement of replacement of flooring to be included in the Capital Fund 5-Year Action Plan. Replacement of floor tile in the apartment units is performed on an as needed basis.

3. Kitchen Counters

   Response: Current funding constraints do not allow for the replacement of kitchen cabinets to be included in the Capital Fund 5-Year Action Plan. Replacement of kitchen countertops is performed on an as needed basis.

4. Basketball Court

   Response: Current funding constraints do not allow for the installation of a basketball court to be included in the Capital Fund 5-Year Action Plan.

5. Picnic Shelter

   Response: Current funding constraints do not allow for the installation of a picnic shelter to be included in the Capital Fund 5-Year Action Plan.

Management Items

1. Unit 1114-B Dale – Bathroom sink, counter top – kitchen, paint kitchen, replace light wall pack on the back of the house.

   Response: Handled through RRHA's work order system. Bathroom sink has been installed, kitchen counter top has been ordered, resident received a paint kit and a contractor will be installing light bulbs in the wall pack

2. Unit 2072 Indian Village – Mice issue, paint kitchen

   Response: Handled through RRHA's work order system.

3. Unit 21- 13th St. – Front porch needs pressure washing, flood lights in back yard, bathroom sink cracked

   Response: Handled through RRHA's work order system.

4. Playground

   Response: Management is partnering with Elevation Church to upgrade the playground area. The upgrade includes removing the old mulch and replacing with new mulch, removing graffiti, touch-up painting to the equipment, and picking up trash in the area.

5. Activities with the kids

   Response: RRHA partners with Family Services of Roanoke Valley to provide a weekly program for children. The ROSS Service Coordinator can provide the dates and times.

6. Thankful for stove and refrigerator

   Response: Management appreciates the positive feedback. RRHA replaces appliances on a life cycle schedule.

7. Parking stickers for residents

   Response: Parking stickers would require a lease revision. Management does not consider this feasible at this time.

Morningside Manor – March 6, 2019 – 4:00 p.m. (25 attendees)

Capital Improvements Items

1. Deadbolts for doors

   Response: The existing locksets for the apartment entrance doors will be assessed for proper operation and security. If it is determined that deadbolts are needed, the installation of deadbolts will be added to the Capital Fund 5-Year Action Plan.

2. Front doors:
   - If there is a loss of electrical power, they do not work.
   - Need a keycard system to ID who is coming in.

   Response: RRHA currently has an A/E firm evaluating the emergency electrical system for capacity and the ability to include powering the front doors by the emergency electrical system. An evaluation of the door access system will be made also. The electrical work will be included in the Capital Fund 5-Year Action Plan for FY 2019 – 2020.

3. Add cameras outside in the parking lot at the far end

   Response: The need to install additional cameras at Morningside Manor will be evaluated. If it is determined that additional cameras are needed, the installation of the additional cameras will be included in the Capital Fund 5-Year Action Plan.

4. Oxygen machines need power during power outage

   Response: RRHA currently has an A/E firm evaluating the emergency electrical system for capacity and the installation of receptacles in common areas of the building that are powered by the emergency electrical system. The electrical work will be included in the Capital Fund 5-Year Action Plan for FY 2109 – 2020.

5. Elevator keeps breaking

   Response: Replacement of the elevators is included in the Capital Fund 5-Year Action Plan for FY 10/1/2021 – 9/30/2022.

6. Installation of floor tile for floors on 2 and 6

   Response: Purchase order has been awarded for re-installation of the floor tile for floors 2 and 6. The contractor that will perform the floor installation work currently has several jobs to complete before starting this project.

7. Vents (Roof top fans).

   Response: An inspection of the roof top fans will be made for proper operation. Inoperable fans will be repaired.

8. Smoking shelter

   Response: Current funding constraints do not allow for the installation of a smoking shelter to be included in the Capital Fund 5-Year Action Plan.

9. Unit 502, Unit 414, Unit 519 – Residents can't hear fire alarm

   Response: RRHA currently has an A/E firm evaluating the fire alarm system for capacity and the ability to install additional devices in apartments for audio/visually impaired. Needed upgrades to the fire alarm system will be included in the Capital Fund 5-Year Action Plan for FY 2019 – 2020.

10. Speed bumps

    Response: Morningside Site Management will evaluate the need to install speed bumps. If needed, the installation of speed bumps will be included in the budget.

11. More counter space in the kitchen

    Response: When the kitchen cabinets are replaced during apartment renovations, the amount of countertop space is increased.

12. Unit 218 – cannot get in the bathtub, has a wheelchair

    Response: RRHA will be soliciting quotations for modifying an additional apartment unit at Morningside for wheelchair accessibility. The unit will have a roll-in shower unit.

13. Unit 610 – Move electrical sockets from the sink area

    Response: GFCI receptacles can be installed to provide protection from electrical shock in the area of the kitchen sink. Installation of GFCI receptacles in apartment kitchens will be included in the Capital Fund 5-Year Action Plan for FY 2019 – 2020.

Management Items

1. Security, especially evenings and weekends

   Response: RRHA has an agreement with the Roanoke City Police Department to provide above-baseline policing services at RRHA sites. The request for additional security will be evaluated for feasibility in the 2020 budget year. A notice will be sent out to all residents encouraging reporting any activity that creates an unsafe environment. Management will review cameras to address activity that is a violation of a resident's lease. Providing resident safety is a high priority and of the upmost importance to RRHA.

2. Light outside the back of the community room is blinking on and off

   Response: Correction through WO #200013097 Davis Elliott has been contacted to replace light bulbs.

3. Washer/dryer repair on each floor

   Response: Management will have a contractor service all washers and dryers

4. Funding for events for Activity Coordinator

   Response: RRHA will work with the Activity Coordinator to identify activities that are being requested by the majority of residents and will make an effort to ensure those items are funded.

5. Resident causing a disturbance

   Response: Management will continue to encourage resident to complete a resident complaint form to allow the management office to address lease violation. Follow up with a notice to the person in violation of their lease.

6. Adjust apartment and exit door to keep it from slamming

   Response: Handled through RRHA's work order system.

7. Weather strip apartment door

   Response: The HVAC system in the building is designed to allow air from the hallways to flow underneath the apartment entrance doors and be exhausted to the exterior through rooftop fans. Installing weatherstripping on the apartment entrance doors will have a negative impact on the air quality in the apartment units.

8. Unit 218 – Kick plate for wheelchair

   Response: Handled through RRHA's work order system.

9. Unit 314 – lower closet rods

   Response: Handled through RRHA's work order system.

10. Unit 211 – Commode chain broke

    Response: Handled through RRHA's work order system.

11. Relocate dog park

    Response: Management will identify an additional area.

12. Repair leak in lobby

    Response: The management office will work with capital improvements staff to hire a contractor to locate what is causing the leaks in the lobby area. We will perform repairs once the source of the leak is identified.

13. Unit 514 Paint peeling in the kitchen area

    Response: Handled through RRHA's work order system.

14. Additional shopping carts

    Response: RRHA does provide shopping carts

15. Residents smoking in the apartment

    Response: Any violations of RRHA's Smoke-Free Policy should be reported to the management office.

16. Unit 603 – Bathtub stained

    Response: Handled through RRHA's work order system.

Jamestown Place – March 6, 2019 – 5:30 p.m. (0 attendees)

None

Resident/Participant Comments Received Via Email, Phone Message or Letter:

None

Attachment D: PHA Plan Element – Challenged Elements

None

Attachment E: PHA Plan Element – Statement of Housing Needs and Strategy for Addressing Housing Needs

Housing Needs

Based on information in the City of Roanoke Consolidated Plan, the most common housing problems are extreme housing cost burdens and poor or deferred maintenance. These issues may result in homelessness or temporary loss of housing. In addition, approximately 40% of households with a member who is elderly or disabled experience housing issues. The City has a large population of refugee families with 6 or more children per household, and these families often experience overcrowding, substandard housing, and extreme cost burdens. Further, low-income minority households are more adversely affected by housing issues. Hispanic and African-American households are disproportionately represented populations in the area of substandard housing. For those who earn less than 50% of AMI, Hispanic and Caucasian households suffer from disproportionately greater needs regarding housing cost burdens. Additionally, the City has a need to provide homeownership opportunities to extremely-low and very low-income households. The City of Roanoke Redevelopment and Housing Authority does not discriminate in admission or access to, or treatment or employment in, its federally assisted programs and activities on the basis of race, color, national origin, religion, sex (including pregnancy, childbirth, and related medical conditions), disability: physical or mental, age, genetic information and marital status. The City of Roanoke Redevelopment and Housing Authority identifies the VP of Operations as the 504 Coordinator, as the RRHA employee responsible for coordinating our efforts to comply with the nondiscrimination provisions set forth in 24 CFR Part 8. RRHA has taken initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of handicap in violation of this part.

Strategy for Addressing Housing Needs

RRHA plans to maximize the number of affordable units available to the RRHA within its current resources by continuing to: 1) employ effective maintenance and management policies to minimize the number of vacant public housing units; 2) maintain low turnover time for vacated public housing units; 3) monitor HCV resources closely and issue vouchers to families on the waiting list as funding allows; 4) undertake measures to ensure access to affordable housing among families assisted by RRHA, regardless of unit size required; 5) maintain Section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration; 6) evaluate the need for project-based vouchers to ensure availability of sufficient high quality housing to meet identified housing needs and setting aside or seeking new vouchers for this purpose if needed; 7) continue working with the HUD assigned transaction manager on the Rental Assistance Demonstration (RAD) application for Lansdowne Park and evaluate the potential for RAD conversions for other public housing units, or potentially applying for the whole portfolio; 8) participate in the Consolidated Plan development process to ensure coordination with broader community strategies; and 9) submit a letter of interest package to HUD by June 12, 2019 to apply for participation in the Moving to Work Demonstration Program – Cohort #2.

RRHA plans to continue working cooperatively with the City of Roanoke to provide opportunities for affordable housing development. RRHA plans to increase the number of affordable housing units by: 1) applying for additional Section 8 units should they become available; and 2) pursuing housing resources other than public housing or Section 8 tenant-based assistance. RRHA will continue to target available assistance to families at or below 30% or 50% of area median income (AMI) by adopting rent policies to support and encourage work and employing admissions preferences aimed at families who are working. RRHA will address housing needs of persons who are elderly or who have disabilities by applying for special-purpose vouchers targeted to persons who are elderly or families with disabilities, should they become available, and affirmatively marketing to local nonprofit agencies that assist persons who are elderly or families with disabilities. RRHA will address housing needs of families of races or ethnicities with disproportionate housing needs by affirmatively marketing to persons of races/ethnicities shown to have disproportionate housing needs. RRHA will affirmatively further fair housing by counseling Section 8 participants as to location of units outside of areas of poverty or minority concentration and assisting them to locate those units, and marketing the Section 8 program to owners outside of areas of poverty/minority concentrations. RRHA will also strive to increase housing options and decrease poverty concentration in planning for housing development. Approaches will include pursuit of mixed finance opportunities and the creation of mixed income communities by leveraging existing resources with market and other financial resources to address housing needs. In order to address the needs of persons who are in the target population of Virginia's Olmstead Settlement Agreement with the Department of Justice, RRHA sought HUD approval for a waiver to the Section 504 regulations and 24 C.F.R. §982.207(b)(3), allowing RRHA to offer preference for this specific population as a remedial measure to assist the Commonwealth of Virginia in complying with its Olmstead obligations. HUD approved the waiver request, and RRHA revised its Administrative Plan for the Housing Choice Voucher Program and set aside 10 vouchers from its existing pool

to serve those individuals who meet the Olmstead Settlement Agreement criteria. Selection policies have also been revised to reflect the addition of the preference for this specialized population. As an additional measure to prevent criminal activity and better meet housing needs by improving safety and security, RRHA has executed an intergovernmental agreement with the Roanoke City Police Department to provide above-baseline policing services at some public housing developments on certain days and times based on data regarding criminal activity and calls to police. RRHA implemented HUD's Final Rule for Smoke-Free Public Housing on July 1, 2018.

Attachment F: PHA Plan Element – Eligibility, Selection and Admission Policies, including Deconcentration and Wait List Procedures

Public Housing

(Chapter 4, Applications, Waiting List and Tenant Selection, pages 4-1 through 4-17, RRHA Admissions and Continued Occupancy Policy, approved by the RRHA Board of Commissioners on September 24, 2018)

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to reside in public housing, the family must submit an application that provides RRHA with the information needed to determine the family's eligibility. HUD requires RRHA to place all eligible families that apply for public housing on a waiting list. When a unit becomes available, RRHA will select families from the waiting list in accordance with HUD requirements and RRHA policies as stated in its Admissions and Continued Occupancy Policy (ACOP) and its annual plan.

RRHA is required to adopt a clear approach to accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow this approach consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or RRHA to receive preferential treatment.

HUD regulations require that RRHA comply with all equal opportunity requirements and it must affirmatively further fair housing goals in the administration of the program [24 CFR 960.103, PH Occ GB p. 13]. Adherence to the selection policies described in this chapter ensures that RRHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and RRHA policies for accepting applications, managing the waiting list and selecting families from the waiting list. RRHA's policies for assigning unit size and making unit offers are contained in Chapter 5. Together, Chapters 4 and 5 of the ACOP comprise RRHA's Tenant Selection and Assignment Plan (TSAP).

The policies outlined in this chapter are organized into three sections, as follows:

> Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how RRHA will handle the applications it receives.
>
> Part II: Managing the Waiting List. This part presents the policies that govern how RRHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process RRHA will use to keep the waiting list current.
>
> Part III: Tenant Selection. This part describes the policies that guide RRHA in selecting families from the waiting list as units become available. It also specifies how in-person interviews will be used to ensure that RRHA has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes the policies that guide RRHA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affect placement of the family on the waiting list. This part also describes RRHA's obligation to ensure the accessibility of the application process.

4-I.B. APPLYING FOR ASSISTANCE

Any family that wishes to reside in public housing must apply for admission to the program [24

CFR 1.4(b)(2)(ii), 24 CFR 960.202(a)(2)(iv), and PH Occ GB, p. 68]. HUD permits RRHA to determine the format and content of its applications, as well how such applications will be made available to interested families and how applications will be accepted by RRHA. However, RRHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of RRHA's application [Notice PIH 2009-36].

Depending upon the length of time between the date of application and the availability of housing, RRHA will use the following application process:

- A one-step process will be used when it is expected that a family will be selected from the waiting list within 6 months of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.
- A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 6 months from the date of application. Under the two- step application process, RRHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

RRHA has implemented a Web-Based Application System for its Public Housing Program. With limited exceptions, all applications must be submitted electronically. The online application can be accessed on RRHA's website www.rkehousing.org from any internet capable device (personal computer, cell phone, tablet, etc.) For applicants without internet access, RRHA will provide computer access at a number of Public Housing sites (listed below) where applications may be entered. Persons with disabilities or other persons lacking internet access or requiring special accommodations may contact the RRHA offices at 540-983-9281.

Lansdowne Park – 2624 Salem Turnpike NW

Indian Rock Village – 2034 Indian Village Lane, S.E.

Jamestown Place – 1533 Pike Lane, S.E.

The Villages at Lincoln – 1801 Dunbar Street, N.W.

Preliminary Action Updates

After being placed on the site based waitlist, applicants are responsible for reporting changes in family circumstances (addresses, income, family composition, etc.) electronically via the Applicant Information Update feature on the RRHA Website. This information will be used to reevaluate the assignment of provisional Admission Preference Points. Failure to provide accurate information may result in failure to be added to the Wait List or to qualify for housing assistance.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

RRHA will take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard RRHA application process.

Disabled Populations [24 CFR 8; PH Occ GB, p. 68]

RRHA will provide reasonable accommodation when requested for persons with disabilities to make the application process fully accessible. The facility where applications are accepted and the application process must be fully accessible or RRHA will provide an alternate approach that provides equal access to the program. Chapter 2 provides a full discussion of RRHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

RRHA will take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on RRHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

RRHA will review each completed application received and make a preliminary assessment of the family's eligibility. When the waiting list is open, applicants must be placed on the waiting list unless RRHA determines the family to be ineligible. Where the family is determined to be ineligible, RRHA will notify the family in writing [24 CFR 960.208(a); PH Occ GB, p. 41].

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

Ineligible for Placement on the Waiting List

If RRHA determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, RRHA will send written notification of the ineligibility determination within 10 business days of receipt of the completed application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing and explain the process for doing so (see Chapter 14). If the 10th day falls on a weekend or a holiday, the document must be sent by the next business day.

Eligible for Placement on the Waiting List

RRHA will send written notification of the preliminary eligibility determination within 10 business days of receiving a completed application. If the 10th day falls on a weekend or a holiday, the document must be sent by the next business day. If applicable, the notice will also indicate the waiting list preference(s) for which the family appears to qualify.

Applicants will be placed on the waiting list according to RRHA preference(s) and the date and time their complete application is received by RRHA.

RRHA will assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards (see Chapter 5). Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (as long as the unit is not overcrowded according to RRHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two years after admission, unless they have a change in family size or composition.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, RRHA will verify any preferences(s) claimed and determine eligibility and suitability for admission to the program.

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

RRHA has policies regarding the type of waiting list it will utilize as well as how the waiting list will be organized and managed. This includes policies on notifying the public on the opening and closing of the waiting list to new applicants, updating family information, purging the list of families that are no longer interested in or eligible for public housing, and conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how RRHA may structure its waiting list and how families must be treated if they apply for public housing at a PHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST

RRHA's public housing waiting list must be organized in such a manner to allow RRHA to accurately identify and select families in the proper order, according to the admissions policies described in this ACOP.

The waiting list will contain the following information for each applicant listed:

- Name and social security number of head of household
- Unit size required (number of family members)
- Amount and source of annual income
- Accessibility requirement, if any
- Date and time of application or application number
- Household type (family, elderly, disabled)
- Admission preference, if any
- The specific site(s) selected.

RRHA has adopted site-based waiting lists. Site-based waiting lists allow families to select the development where they wish to reside and must be consistent with all applicable civil rights and fair housing laws and regulations [24 CFR 903.7(b)(2)].

RRHA will maintain site-based waiting lists for each of the following sites within RRHA's public housing stock:

- Lansdowne Park
- The Villages at Lincoln
- New Construction Lease/Purchase
- Hunt Manor
- Melrose Towers
- Jamestown Place
- Morningside Manor
- Bluestone Park
- Indian Rock Village
- Substantial Rehab (Scattered Sites)

Each site-based wait list will be maintained at each location. Within each site-based wait list all applications will be kept in sequence based upon the type and size of unit, preferences, and date and time of application.

HUD requires that public housing applicants must be offered the opportunity to be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that RRHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs [24 CFR 982.205(a)(2)(i)].

RRHA will not merge the public housing site-based waiting lists with waiting lists for any other program RRHA operates.

4-II.C. OPENING AND CLOSING THE WAITING LIST

Closing the Waiting List

RRHA is permitted to close a waiting list, in whole or in part, if it has an adequate pool of families to fully lease units in all of its developments. RRHA may close the waiting list completely, or restrict intake by preference, type of project, or by size and type of dwelling unit. [PH Occ GB, p. 31].

RRHA will close waiting lists when the estimated waiting period for housing applicants on the list reaches 24 months for the most current applicants. Where RRHA has particular preferences or other criteria that require a specific category of family, RRHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

Reopening the Waiting List

If a waiting list has been closed, it may be reopened at any time. RRHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. The notice will specify where, when, and how applications are to be received.

RRHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

Roanoke Times

Roanoke Tribune

Such notice will comply with HUD Fair housing Requirements, and RRHA will specify who may apply, and where and when application will be received.

4-II.D. FAMILY OUTREACH [24 CFR 903.2(d); 24 CFR 903.7(a) and (b)]

RRHA shall conduct outreach as necessary to ensure there are a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that RRHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

Because HUD requires RRHA to admit a specified percentage of extremely low income families, RRHA will conduct special outreach to ensure that an adequate number of such families apply for public housing.

RRHA outreach efforts comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

RRHA outreach efforts are designed to inform qualified families about the availability of units under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

RRHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in RRHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

Method for Placement on the Waiting List

RRHA will use date and time to place families on the waiting list. Applications will be accepted for a designated period of time as specified in the announcement notice. After applications are no longer being accepted, preferences and/or date and time will determine the position of each applicant.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

While the family is on the waiting list, the family must inform RRHA, within 10 business days, of changes in family size or composition, preference status, or contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing. RRHA encourages the applicants to use the web based waitlist program and provide all updates online. If the 10th day falls on a weekend or a holiday, the changes must be received by the next business day.

Changes in an applicant's circumstances while on the waiting list may affect the family's qualification for a particular bedroom size or entitlement to a preference. When an applicant reports a change that affects their placement on the waiting list, the waiting list will be updated accordingly.

4-II.F. UPDATING THE WAITING LIST

HUD requires RRHA to establish policies that describe the circumstances under which applicants will be removed from the waiting list [24 CFR 960.202(a)(2)(iv)].

Purging the Waiting List

The decision to remove an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to RRHA's request for information or updates because of the family member's disability, RRHA will, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation [24 CFR 8.4(a), 24 CFR 100.204(a), and PH Occ GB, p. 39 and 40]. See Chapter 2 for further information regarding reasonable accommodations.

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

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

The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by RRHA not later than 15 business days from the date of RRHA letter. If the 15th day falls on a weekend or a holiday, the document must be received by the next business day.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice. If the 15th day falls on a weekend or a holiday, the document must be received by the next business day.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. The family will have 15 calendar days to respond from the date the letter was re-sent. If the 15th day falls on a weekend or a holiday, the document must be received by the next business day.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered, unless a person with a disability requests a reasonable accommodation for being unable to reply within the prescribed period Such failures to act on the part of the applicant prevent RRHA from making an eligibility determination; therefore no informal hearing is required.

Family's removed from the waiting list for not responding to a purge letter who request re-instatement within 90 days of the purge letter will be automatically re-instated.

Applicants are notified with confirmation of RRHA's receipt of their application that they are responsible for notifying RRHA within 10 calendar days, if they have a change of address

Removal from the Waiting List

RRHA will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required.

If RRHA determines that the family is not eligible for admission (see Chapter 3) at any time while the family is on the waiting list the family will be removed from the waiting list.

If an applicant fails to keep their initial appointment and fails to notify RRHA prior to the scheduled appointment, of his/her inability to keep an appointment, his/her name will be withdrawn from the waiting list. A statement to this effect will appear on the forms used by RRHA that advise applicants of scheduled interviews.

If a family is removed from the waiting list because RRHA has determined the family is not eligible for admission, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing regarding RRHA's decision (see Chapter 14) [24 CFR 960.208(a)].

PART III: TENANT SELECTION

4-III.A. OVERVIEW

RRHA has established tenant selection policies for families being admitted to public housing [24 CFR 960.201(a)]. RRHA will not require any specific income or racial quotas for any developments [24 CFR 903.2(d)]. RRHA will not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations [24 CFR 1.4(b)(1)(iii) and 24 CFR 903.2(d)(1)].

The order in which families will be selected from the waiting list is impacted in part by any selection preferences that the family qualifies for. The availability of units also may affect the order in which families are selected from the waiting list.

RRHA will maintain clear records of all information required to verify that the family is selected from the waiting list according to RRHA's selection policies [24 CFR 960.206(e)(2)]. RRHA's policies must be posted any place where RRHA receives applications. RRHA will provide a copy of its tenant selection policies upon request to any applicant or tenant free of charge. [24 CFR 960.202(c)(2)].

Program Admission

RRHA may admit an applicant to the program either:

1) As a HUD Special Admission, or
2) As an open waitlist applicant by preference and or date and time, or
3) HCV funding shortfalls that cause tenants to lose their voucher assistance.

4-III.B. SELECTION METHOD

RRHA's method for selecting applicant families from the waiting list, including the system of admission preferences that RRHA will use is described below.

Local Preferences [24 CFR 960.206]

RRHA has established local preferences and gives priority to serving families that meet the criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits RRHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with RRHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources [24 CFR 960.206(a)].

RRHA will use the following local preferences:

- In order to bring higher income families into public housing, RRHA will establish a preference for "working" families, where the head, spouse, co-head, or sole member is employed at least 20 hours per week.
- RRHA will offer a preference to families paying 40% of their income for rent.
- As required by HUD, families where the head and spouse, or sole member is a person age 62 or older, or is a person with disabilities, will also be given the benefit of the working preference [24 CFR 960.206(b)(2)].
- RRHA will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, or stalking who has either been referred by a partnering service agency or consortia or who is seeking an emergency transfer under VAWA from RRHA's housing choice voucher program or other covered housing program operated by RRHA.
- RRHA will work with the following partnering service agencies:
  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 Domestic Violence Service Center 540-283-4813.
  For help regarding sexual assault, you may contact Domestic Violence Service Center 540-283-4813 or Sabrina's Place -777-HOPE (Jo Nelson).
  Victims of stalking seeking help may contact LGBTQ Partner Abuse and Sexual Assault - 866-356-6998 (Person on call) or Roanoke City Police Department - Frank Leftwich - Criminal Investigations / Special Victims Unit 540-853-5299.
- The applicant must certify that the abuser will not reside with the applicant unless RRHA gives written approval.
- Local preferences will be aggregated using a system in which each preference will receive an allocation of points. The more preference points an applicant has, the higher the applicant's place on the waiting list.
- The preference for victims of domestic violence, dating violence, sexual assault, or stalking seeking an emergency transfer will be equal to two points.
- Homeless Preference

- RRHA will give preference to homeless applicants. RRHA will give a preference to applicants meeting all of the following criteria:
    a) Meet the HUD definition of homeless. (*see definition below)
    b) Are referred to RRHA by the Continuum of Care provider (CoC) with whom RRHA has executed a Memorandum of Understanding (MOU) outlining the CoC's responsibilities with respect to the provision supportive services for the referred household.
    c) Have received a written commitment from the CoC to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and
    d) Have received a written commitment from the CoC to offer supportive services to help the household maintain housing and comply with lease obligations.

- Individuals and families transitioning, or "moving up," from permanent supportive housing will also be included as a priority group as part of this homeless preference. These are persons that were previously homeless prior to entry into a permanent supportive housing program but who no longer require that level of supportive services. This would require a referral from the current case manager or the permanent supportive housing provider as well as documentation that the family was homeless prior to entering into the permanent supportive housing unit. This documentation must be provided as part of the waitlist application.
- While a referral from the CoC is required for this preference if it is determined that an applicant referred by the Coc, as described above, does not meet the criteria described therein, the applicant will not receive the preference and: if the applicant was only on the public housing waiting list because of the homeless referral, the applicant will be removed from the public housing waiting list.
- RRHA will screen all applicants regardless of preferences and apply consistently the reasons for denial of admission. A history of not being able to pay rental obligations as per the court system report will result in proposed denial of an application.

The preference for working families will be equal to one point.

Applicants qualifying for both preferences will thus be assigned a total of three points. Among applicants who qualify for two preferences, date and time of application will be used to determine placement on the waiting list.

- Families who have been involuntarily displaced due to a disaster (e.g. fire, flood, earthquake), government action (e.g. code enforcement, public improvement), action by a housing owner that is beyond an applicant's ability to control (e.g. conversion of a unit to non-residential use, or owner wants the property for personal use).

Income Targeting Requirement [24 CFR 960.202(b)]

HUD requires that extremely low-income (ELI) families make up at least 40 percent of the families admitted to public housing during RRHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is

higher [Federal Register notice 6/25/14]. To ensure this requirement is met, RRHA may skip non-ELI families on the waiting list in order to select an ELI family.

RRHA will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

Mixed Population Developments [24 CFR 960.407]

A mixed population development is a public housing development or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character) or the PHA at some point after its inception obtained HUD approval to give preference in tenant selection for all units in the development (or portion of a development) to elderly and disabled families [24 CFR 960.102]. Elderly family means a family whose head, spouse, co-head, or sole member is a person who is at least 62 years of age. Disabled family means a family whose head, spouse, co-head, or sole member is a person with disabilities [24 CFR 5.403]. RRHA will give elderly and disabled families equal preference in selecting these families for admission to mixed population developments. RRHA may not establish a limit on the number of elderly or disabled families that may occupy a mixed population development. In selecting elderly and disabled families to fill these units, RRHA will first offer the units that have accessibility features for families that include a person with a disability and require the accessibility features of such units. RRHA will not discriminate against elderly or disabled families that include children (Fair Housing Amendments Act of 1988).

Units Designated for Elderly or Disabled Families [24 CFR 945]

RRHA may designate projects or portions of a public housing project specifically for elderly or disabled families. RRHA will have a HUD-approved allocation plan before the designation may take place.

Among the designated developments, RRHA will also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, RRHA may allow near-elderly families to occupy the units [24 CFR 945.303(c)(1)]. Near-elderly family means a family whose head, spouse, or co-head is at least 50 years old, but is less than 62 [24 CFR 5.403].

If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, RRHA will make available to all other families any unit that is ready for re-rental and has been vacant for more than 60 consecutive days [24 CFR 945.303(c)(2)].

The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse effect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area [24 CFR 945.303(d)(1) and (2)].

This protection does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project [24 CFR 945.303(d)(3)].

RRHA does not have designated elderly or designated disabled housing at this time.

Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2]

RRHA's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of RRHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

RRHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)].

Developments subject to the deconcentration requirement, referred to as 'covered developments' and include general occupancy (family) public housing developments are Lansdowne Park, Villages at Lincoln, Hunt Manor, Jamestown Place, Bluestone Park, Indian Rock Village/Scattered Sites, and AMP 215/Transitional Home Ownership. The following developments are not subject to deconcentration and income mixing requirements, developments which house only elderly or disabled families or both – Melrose Towers, and Morningside Manor.

Steps for Implementation [24 CFR 903.2(c)(1)]

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, RRHA will comply with the following steps:

Step 1. RRHA will determine the average income of all families residing in all RRHA's covered developments on an annual basis.

Step 2. RRHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

Step 3. RRHA will then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (federal poverty level or 30 percent of median income, whichever number is higher).

Step 4. RRHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

Step 5. Where the income profile for a covered development is not explained or justified in the annual plan submission, RRHA will include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances RRHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR

- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by RRHA in consultation with the residents and the community through the annual plan process to be responsive to local needs RRHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under RRHA's deconcentration policy. RRHA will not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under RRHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, RRHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

For covered developments with average incomes outside the Established Income Range where RRHA explains and/or justifies the income profile for these developments as being consistent with and furthering two sets of goals: the goals of deconcentration of poverty and income mixing as specified by the statute (bringing higher income tenants into lower income developments and vice versa); and the local goals and strategies contained in the RRHA Annual Plan, RRHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

For covered developments outside the EIR where RRHA is unable to explain or justify the income profile for these developments as being consistent with and furthering the two sets of goals cited in the paragraph above, RRHA will take the following actions to provide for deconcentration of poverty and income mixing:

- For the purpose of income mixing, site-based waiting list applicants will be referred to other developments, when family incomes are contradictory to the income mix of the development.
- The on-site manager will make housing offers.
- RRHA will deconcentrate high income and very low income families in the same area by offering incentives to residents to relocate to lower income developments or higher income developments, such as:
    - Providing funds for moving expenses incurred by the resident.
    - Rent credit for one month.
    - Bedroom size change (diversion from Occupancy Standard)/
    - Free gifts.

RRHA will encourage site-based waiting list applicants and existing resident families to move to other developments to prevent concentration of lower or higher income families in the same development. However, the family will retain the choice of accepting the offer to move.

RRHA will maintain leasing statistics by property as well as for the Authority as a whole. These statistics will be for Public Housing and Section 8 programs. This will make it possible to

demonstrate the effectiveness of our plan, as well as our success in achieving a range of incomes at all properties. The records include, but are not limited to the following:

- Annual income for all new admissions.
- Average family rent payment
- Incentives provided.
- Families relocated to promote deconcentration/income mixing
- Monthly statistical information to monitor percentage compliance with HUD income targeting regulations.

Order of Selection [24 CFR 960.206(e)]

RRHA will select families from the waiting list based on preference. Among applicants with the same preference, families will be selected on a date and time basis.

When selecting applicants from the waiting list, RRHA will match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists.

RRHA will offer the unit to the highest ranking applicant who qualifies for that unit size or type, or that requires the accessibility features.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application or higher preference status.

Factors such as deconcentration or income mixing and income targeting will also be considered in accordance with HUD requirements and RRHA policy.

4-III.C. NOTIFICATION OF SELECTION

The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview
- Who is required to attend the interview
- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation
- Documents that must be provided at the interview to document eligibility for a preference, if applicable
- Other documents and information that should be brought to the interview

If a notification letter is returned to RRHA with no forwarding address, the family will be removed from the waiting list without further notice unless a person with a disability requests a reasonable accommodation for being unable to reply within the prescribed period. Such failure to act on the part of the applicant prevents RRHA from making an eligibility determination; therefore no informal hearing will be offered. Families who contact RRHA within 30 days of this notice will be automatically re-instated.

4-III.D. THE APPLICATION INTERVIEW

RRHA will require families to participate in an eligibility interview to obtain information and documentation needed to make an eligibility determination. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if RRHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by RRHA [Notice PIH 2012-10].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability [24 CFR 8.4(a) and 24 CFR 100.204(a)].

All adult family members must attend the interview and sign the housing application. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship. The interview will be conducted only if the head of household or spouse/co-head provides appropriate documentation of legal identity (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, RRHA will allow the family to retain its place on the waiting list for 30 days. If not all household members have disclosed their SSNs at the next time a unit becomes available, RRHA will offer a unit to the next eligible applicant family on the waiting list.

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the family is verified as eligible for the preference, RRHA will proceed with the interview. If RRHA determines the family is not eligible for the preference, the interview will not proceed and the family will be placed back on the waiting list according to the date and time of their application.

The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, RRHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the 10th day falls on a weekend or a holiday, the document must be received by the next business day. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process. Interviews will be conducted in English. For limited English proficient (LEP) applicants, RRHA will provide translation services in accordance with RRHA's LEP plan.

If the family is unable to attend a scheduled interview, the family must contact RRHA in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview,

their applications will be withdrawn based on the family's failure to supply information needed to determine eligibility.

If an applicant fails to appear for their interview without prior approval of the Authority, their application will be withdrawn unless they can provide acceptable documentation to the Authority that an emergency prevented them from calling and rescheduling their initial appointment.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with the written permission of the person with a disability.

Such failure to act on the part of the applicant prevents RRHA from making an eligibility determination; therefore RRHA will not offer an informal hearing.

4-III.E. FINAL ELIGIBILITY DETERMINATION [24 CFR 960.208]

RRHA will verify all information provided by the family (see Chapter 7). Based on verified information related to the eligibility requirements, including RRHA suitability standards, RRHA will make a final determination of eligibility (see Chapter 3).

When a determination is made that a family is eligible and satisfies all requirements for admission, including tenant selection criteria, RRHA will notify the family in writing of their eligibility within 10 business days of the determination and will provide the approximate date of occupancy insofar as that date can be reasonably determined. [24 CFR 960.208(b)].

RRHA will expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program as a result of an emergency transfer from another PHA program.

If RRHA determines that the family is ineligible, RRHA will send written notification of the ineligibility determination within 10 business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal hearing (see Chapter 14). [24 CFR 960.208(a)]

If RRHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before RRHA can move to deny the application. See Section 3-III.G for RRHA's policy regarding such circumstances.

RRHA must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Act of 2013, and as outlined in 16-VII.C, at the time the applicant is provided assistance or at the time the applicant is denied assistance. This notice must be provided in both of the following instances: (1) when a family actually begins receiving assistance lease execution; or (2) when a family is notified of its ineligibility.

Section 8

(Chapter 4, Applications, Waiting List and Tenant Selection, pages 4-1 through 4-15, RRHA Section 8 Administrative Plan, approved by the RRHA Board of Commissioners on September 24, 2018)

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to receive Section 8 HCV assistance, the family must submit an application that provides RRHA with the information needed to determine the family's eligibility. HUD requires RRHA to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, RRHA must select families from the waiting list in accordance with HUD requirements and RRHA policies as stated in the administrative plan and the annual plan.

RRHA is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, selecting families from the waiting list and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or RRHA to justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that RRHA affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that RRHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and RRHA policies for taking applications, managing the waiting list and selecting families for HCV assistance. The policies outlined in this chapter are organized into three sections, as follows:

> Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how RRHA will handle the applications it receives.
>
> Part II: Managing the Waiting List. This part presents the policies that govern how RRHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process RRHA will use to keep the waiting list current.
>
> Part III: Selection for HCV Assistance. This part describes the policies that guide RRHA in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that RRHA has the information needed to make a final eligibility determination.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes RRHA's policies for making applications available, accepting applications, making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes RRHA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16 Notice PIH 2009-36]

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits RRHA to determine the format and content of HCV applications, as well how such applications will be made available to interested families and how applications will be accepted by RRHA. However, RRHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of RRHA's application.

RRHA Policy

Depending upon the length of time that applicants may need to wait to receive assistance, RRHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, RRHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

RRHA has implemented a Web-Based Application System for its Housing Choice Voucher Program. With limited exceptions, all Preliminary Applications must be submitted electronically. The on-line Application can be accessed on RRHA's website www.rkehousing.org from any Internet capable device (personal computer, cell phone, tablet, etc.). For applicants without Internet access, RRHA will provide computer access at a number of Public Housing sites (listed below) where applications may be entered. Disabled, handicapped or other disadvantaged persons without Internet access or requiring special accommodations may contact the RRHA offices at 540-983-9281.

Lansdowne Park – 2624 Salem Turnpike NW

Indian Rock Village – 2034 Indian Village Lane, S.E.

Jamestown Place – 1533 Pike Lane, S.E.

Villages at Lincoln – 1801 Dunbar Street, N.W.

PRELIMINARY APPLICATION UPDATES

After being placed in the Lottery Pool, applicants are responsible for reporting changes in family circumstances (addresses, income, family composition, etc.) electronically via the Applicant Information Update feature on the RRHA Website. This information will be used to re-evaluate the assignment of provisional Admission Preference Points. Failure to provide accurate information may result in failure to be added to the Wait List or to qualify for Voucher issuance.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]

RRHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard RRHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). RRHA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or RRHA must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of RRHA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

RRHA is required to take reasonable steps to ensure equal access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on RRHA's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

RRHA must review each complete application received and make a preliminary assessment of the family's eligibility. RRHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, RRHA must notify the family in writing [24 CFR 982.201(f)]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

Ineligible for Placement on the Waiting List

RRHA Policy

If RRHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, RRHA will send written notification of the ineligibility determination within 10 business days of the ineligible determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

Eligible for Placement on the Waiting List

RRHA will send written notification of the preliminary eligibility determination within 10 business days after all applications have been entered onto the waitlist.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list using a lottery system. Once each application has been randomly assigned a number, the applications will be placed on the waiting list in order of the assigned numbers and according to RRHA preference(s).

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

RRHA must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how RRHA may structure its waiting list and how families must be treated if they apply for assistance from RRHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

RRHA's HCV waiting list must be organized in such a manner to allow RRHA to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

RRHA Policy

RRHA will maintain a single waiting list for the HCV program.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program RRHA operates if 1) the other programs' waiting lists are open, and 2) the family is qualified for the other programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

RRHA Policy

RRHA will not merge the HCV waiting list with the waiting list for any other program RRHA operates.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Closing the Waiting List

RRHA Policy

RRHA will close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches 12 months for the most current applicants. Where RRHA has particular preferences or funding criteria that require a specific category of family, RRHA may elect to continue to accept applications from these applicants while closing the waiting list to others. The HCV waitlist will remain open for VASH, FUP, Olmstead, Mainstream and fairshare applicants.

RRHA will accept applications for the HUD-Veteran's Affairs Supportive Housing (HUD-VASH) and the family unification program (FUP) based on the Veteran's Administration's or Department of Social Services referrals when the waiting list is closed to other applicants but the waiting will remain open for these populations.

RRHA will accept applications for the Fairshare Program based on referrals from the Blue Ridge Independent Living Center when the HCV waitlist is open. Twenty-five Housing Choice Vouchers were allocated to the Blue Ridge Independent Living Center in this Annual Contributions Contract award.

RRHA will accept applications/referrals for persons with intellectual or developmental disabilities who are in the target population of Virginia's Olmstead Settlement Agreement with the U.S. Department of Justice (DOJ) based on referrals from the Virginia Department of Behavioral Health and Developmental Services (DBHDS). DBHDS will be responsible for maintaining the waiting list for this target population. RRHA will leave the HCV waitlist open to serve this population. DBHDS will be responsible for verifying that individuals meet the preference before providing the referral to RRHA. Ten (10) Housing Choice Vouchers were set aside to provide housing assistance for this population.

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until RRHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

RRHA Policy

RRHA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

RRHA will give public notice by publishing the relevant information in suitable media outlets and other organizations including, but not limited to:

Roanoke Times, Roanoke Tribune, Public Service Announcements on local radio stations, Department of Social Services, Total Action for Progress, Salvation Army, Rescue Mission, RAM House, Trust, Public Service Announcements on the government access cable channel, Blue Ridge Center for Independent Living and Blue Ridge Behavioral Health Care

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

RRHA must conduct outreach as necessary to ensure that RRHA has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

Because HUD requires RRHA to serve a specified percentage of extremely low income families (see Chapter 4, Part III), RRHA may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21].

RRHA outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

RRHA outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities, Roanoke Continuum of Care (COC), Roanoke city Department of Social Services (DSS), Veterans Medical Center, Virginia Department of Behavioral Health and Developmental Services (DBHDS) and Blue Ridge Independent Living Center.

  RRHA Policy

  RRHA will monitor the characteristics of the population being served and the characteristics of the population as a whole in RRHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

METHOD FOR PLACEMENT ON THE WAITING LIST

RRHA will use a lottery system to select and place families on the waiting list. Applications will be accepted for a designated period of time as specified in the announcement notice. After applications are no longer being accepted, a random computerized process will determine the position of each applicant. The number of applicants selected for the list will be based on the number of families required to achieve a waiting list adequate to cover the next one to two years.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

RRHA Policy

While the family is on the waiting list, the family must immediately inform RRHA of changes in contact information, including current residence, mailing address, and phone number. The changes must be submitted in writing. RRHA encourages the applicants to use RRHA's web based waitlist program and provide all updates on line.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

HUD requires RRHA to establish policies to use when removing applicant names from the waiting list.

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a RRHA request for information or updates, and RRHA determines that the family did not respond because of the family member's disability, RRHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].

RRHA Policy

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

To update the waiting list, RRHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that RRHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by RRHA no later than 15 calendar days from the date of the RRHA letter. If the 15th day falls on a weekend or a holiday, the document must be received by the next business day.

If the family fails to respond within 15 calendar days, the family will be removed from the waiting list without further notice. If the 15th day falls on a weekend or a holiday, the document must be received by the next business day.

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

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 calendar days to respond from the date the letter was re-sent. If the 15th day falls on a weekend or a holiday, the document must be received by the next business day.

Families that have been removed from the waiting list for not responding to a purge letter will be automatically reinstated if they request reinstatement within 90 days of the date of the purge letter.

Removal from the Waiting List

RRHA Policy

If at any time an applicant family is on the waiting list, RRHA determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because RRHA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding RRHA's decision (see Chapter 16) [24 CFR 982.201(f)].

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families receive assistance from the waiting list depends on the selection method chosen by RRHA and is impacted in part by any selection preferences for which the family qualifies. The availability of targeted funding also may affect the order in which families are selected from the waiting list.

RRHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to RRHA's selection policies [24 CFR 982.204(b) and 982.207(e)].

Program Admission

RRHA may admit an applicant to the program either:

4) As a HUD Special Admission, or

5) As a lottery admission, or

6) As a participant porting in from another housing authority.

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4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

A Special Admission is admission of an applicant that is not in the RRHA Section 8 lottery pool, or without considering the applicant's position in the lottery pool. HUD may award funding for specifically-named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, RRHA may admit families that are not in the RRHA lottery pool, or without considering the family's lottery pool position. These families are considered non-waiting list admissions. RRHA must maintain records showing that such families were admitted with special program funding.

Targeted Funding [24 CFR 982.204(e)]

HUD may award RRHA funding for a specified category of families on the waiting list. RRHA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, RRHA may skip families that do not qualify within the

targeted funding category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

RRHA Policy

RRHA administers the following types of targeted funding:

Fairshare, HUD-VASH, Family Unification Program, Mainstream Housing Choice Voucher, Virginia's Olmstead Settlement Agreement with the U.S. Department of Justice (DOJ)

Regular HCV Funding

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

4-III.C. SELECTION METHOD

RRHA must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that RRHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

Any local preferences established must be consistent with the RRHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

RRHA Policy

RRHA will use the following local preferences:

- Applicants who are entitled to a preference include:
- Elderly/ Disabled Family
- Families who pay 40% of their income towards rent.
- Mainstream non-elderly persons with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless.
- Family Unification Program Families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care; and youth at least 18 years and not more than 24 years of age (have not reached their 25th birthday), who left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act and are homeless or are at risk of becoming homeless at age 16 or older.
- Veterans Affairs Supportive Housing (HUD-VASH)
- Persons with intellectual or developmental disabilities who are in the target population of Virginia's Olmstead Settlement Agreement with DOJ; 10 HCV Vouchers are set-aside to serve individuals meeting this preference.

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

Homeless Preference

RRHA will give preference to homeless applicants. RRHA will give a preference to applicants meeting all of the following criteria:

a) Meet the HUD definition of homeless. (*see definition below)
b) Are referred to RRHA by the Continuum of Care provider (CoC) with whom RRHA has executed a Memorandum of Understanding (MOU) outlining the CoC's responsibilities with respect to the provision supportive services for the referred household.
c) Have received a written commitment from the CoC to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and
d) Have received a written commitment from the CoC to offer supportive services to help the household maintain housing and comply with lease obligations.

Individuals and families transitioning, or "moving up," from permanent supportive housing will also be included as a priority group as part of this homeless preference. These are persons that were previously homeless prior to entry into a permanent supportive housing program but who no longer require that level of supportive services. This would require a referral from the current case manager or the permanent supportive housing provider as well as documentation that the family was homeless prior to entering into the permanent supportive housing unit. This documentation must be provided as part of the waitlist application.

While a referral from the CoC is required for this preference if it is determined that an applicant referred by the Coc, as described above, does not meet the criteria described therein, the applicant will not receive the preference and: if the applicant was only on the public housing waiting list because of the homeless referral, the applicant will be removed from the public housing waiting list.

RRHA will screen all applicants regardless of preferences and apply consistently the reasons for denial of admission. A history of not being able to pay rental obligations as per the court system report will result in proposed denial of an application.

- RRHA will work with the following partnering service agencies:

  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 Domestic Violence Service Center 540-283-4813.

  For help regarding sexual assault, you may contact Domestic Violence Service Center 540-283-4813 or Sabrina's Place -777-HOPE (Jo Nelson).

  Victims of stalking seeking help may contact LGBTQ Partner Abuse and Sexual Assault -866-356-6998 (Person on call) or Roanoke City Police Department - Frank Leftwich - Criminal Investigations / Special Victims Unit 540-853-5299.

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

- RRHA will first assist families that been terminated from the HCV program due to insufficient funding and then assist families that qualify for the VAWA preference.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during RRHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income whichever number is higher. To ensure this requirement is met, RRHA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

RRHA Policy

RRHA will monitor progress in meeting the ELI requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

Order of Selection

The RRHA system of preferences may select families either according to the date and time of application, or by a random selection process (lottery) [(24 CFR 982.207(c)]. When selecting families from the waiting list RRHA is required to use targeted funding to assist only those families who meet the specified criteria, and RRHA is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

RRHA Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with RRHA's hierarchy of preference(s), if applicable. Applicants are selected from the waitlist based on the highest ranking of preference points. If an applicant qualifies for more than one preference, their combined preference points will rank the applicant higher than an applicant with only one preference. Within each preference category, applicants will be selected based on their randomly assigned lottery number including any preference, if applicable.

Once applicants with preferences are served, applicants that do not qualify for a preference will be selected by random lottery.

Families that qualify for a specified category of program funding (targeted funding) may be selected from the waiting list ahead of higher placed families that do not qualify for the targeted funding. Selected applicants are randomly assigned a lottery number. Applicants will be placed on the waiting list in order of their assigned lottery number and according to RRHA preference. RRHA will not skip down the waiting list to a family that it can afford to subsidize when there are funds to subsidize the family at the top of the waiting list. Documentation will be maintained by RRHA as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the waiting list is not

qualified or not interested in targeted funding, there will be a notation maintained so that RRHA does not have to ask higher placed families each time targeted selections are made.

An applicant family referred by the Blue Ridge Independent Living Center to fill a vacant slot of their Fairshare Program allocation (25 vouchers) will be accepted on a one on one basis for purposes of determining eligibility for program admission. Families selected to fill these vacant slots must be selected from the HCV waitlist.

Additional set-asides for this population in the future will be determined based on need and available funding.

The set-aside will be carved out of the current allocation of funds for the voucher program, and the set-aside will be monitored and administered by RRHA. Due to the requirements of Virginia's Settlement Agreement with DOJ, portability of these vouchers will require coordination with the Virginia DBHDS.

RRHA will receive referrals for individuals who meet the preference from Virginia Department Behavioral Health and Developmental Services (DBHDS) in cooperation with the local community based organization Blue Ridge Behavioral Healthcare (BRBH). DBHDS will be responsible for maintaining the waiting list for this target population. RRHA will leave the HCV waitlist open to serve this population DBHDS will be responsible for verifying that individuals meet the preference before providing the referral to RRHA. .

Referrals will be sent to RRHA HCV Manager and DBHDS will advise the applicant to apply to the HCV waitlist. Once received, the HCV Manager will contact the individual to set up an appointment to determine HCV Program eligibility per HUD guidelines.

Once eligibility is determined; the individual will be issued a voucher for a minimum of 120 days. The participant will be responsible for locating appropriate housing of his/her choice.

4-III.D. NOTIFICATION OF SELECTION

When a family has been selected from the waiting list, RRHA must notify the family [24 CFR 982.554(a)].

RRHA Policy

RRHA will notify the family by first class mail when it is selected from the waiting list. The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Who is required to attend the interview

All documents that must be provided at the interview, including information about what constitutes acceptable documentation

Other documents and information that should be brought to the interview

If a notification letter is returned to RRHA with no forwarding address, the family will be removed from the waiting list. Families who contact RRHA within 30 days of this notice will be automatically reinstated.

4-III.E. THE APPLICATION INTERVIEW

HUD recommends that RRHA obtain the information and documentation needed to make an eligibility determination through a face-to-face interview with a RRHA representative. Being invited to attend an interview does not constitute admission to the program [HCV GB, pg. 4-16].

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if RRHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by RRHA [Notice PIH 2012-10].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

RRHA Policy

The head of household or spouse/co-head will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/co-head may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to RRHA. The head of household or spouse/co-head must provide acceptable documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation at the time of the interview, he or she will be required to provide it within 10 business days.

Pending disclosure and documentation of social security numbers, RRHA will allow the family to retain its place on the waiting list for 30 days. If all household members have not disclosed their SSN's at the next time RRHA is issuing voucher, RRHA will issue a voucher to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, RRHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, RRHA will provide translation services in accordance with RRHA's LEP plan.

If the family is unable to attend a scheduled interview, the family must contact RRHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, RRHA will send another notification letter with a new interview time. Applicants who fail to attend two scheduled interviews without RRHA

approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

4-III.F. COMPLETING THE APPLICATION PROCESS

RRHA must verify all information provided by the family (see Chapter 7). Based on verified information, RRHA must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted admission, or selection preference that affected the order in which the family was selected from the waiting list.

RRHA Policy

If RRHA determines that the family is ineligible, RRHA will send written notification of the ineligibility determination within 10 calendar days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16). If the 10th day falls on a weekend or a holiday, the document must be received by the next business day.

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its original position on the waiting list. RRHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If RRHA determines that the family is eligible to receive assistance, RRHA will invite the family to attend a briefing in accordance with the policies in Chapter 5.

Attachment G: PHA Plan Element – Financial Resources

Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

Financial Resources: 2019 Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
1. Federal Grants (FY2017 grants)		
a) Public Housing Operating Fund	$ 4,600,000	
b) Public Housing Capital Fund	$ 3,300,000	
c) HOPE VI Revitalization	N/A	
d) HOPE VI Demolition	N/A	
e) Annual Contributions for Section 8 Tenant-Based Assistance	$12,056,000	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	N/A	
g) Resident Opportunity and Self-Sufficiency Grants	$ 149,000	Public Housing Supportive Services
h) Community Development Block Grant	$ 3,600	CDBG Loan Program Administration
i) HOME		
j) HOTMA Project VA011 00020219D	$250,000	Capital Project Upgrades Wood Porches
k) HOTMA Project VA 011 00020619D	$140,000	Capital Project Section 504 Modifications 2 units
l) HOTMA Project VA011 00020719D	$270,000	Capital Project Section 504 Modifications 2 units
m) HOTMA Project VA011 00025919D	$160,000	Capital Project Plumbing upgrades Bld 807 Hunt Ave 16 units
2. Prior Year Federal Grants (unobligated funds only) (list below)		

Financial Resources: 2019 Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
ROSS	$ 1,100,000	PH Supportive Srvcs.
Capital Fund and RFP	$ 1,300,000	PH Cap. Improvements
HOPE VI-Choice Neighborhoods	$	
3. Public Housing Dwelling Rental Income	$ 3,800,000	PH Operations
4. Other income (list below)		
Excess Utilities	$ 106,000	Public Housing Operations
Lease Rental/Misc. Income	$ 140,000	PH Operations
Fraud Recovery	$ 73,000	S8 Administration
4. Non-federal sources (list below)		
Total resources	$ 27,847,200	

Attachment H: PHA Plan Element – Rent Determination

Public Housing

(Chapter 6, Part III, Calculating Rent, pages 6-33 through 6-41, RRHA Admissions and Continued Occupancy Policy, approved by the RRHA Board of Commissioners on September 24, 2018)

6-III.A. OVERVIEW OF INCOME-BASED RENT CALCULATIONS

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by RRHA.

TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between $0 and $50 that is established by RRHA

RRHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

***Welfare Rent* [24 CFR 5.628]**

Welfare rent does not apply in this locality.

***Minimum Rent* [24 CFR 5.630]**

The minimum rent for this locality is $50.

Optional Changes to Income-Based Rents [24 CFR 960.253(c)(2) and PH Occ GB, pp. 131-134]

RRHA has been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions.

RRHA chooses not to adopt optional changes to income-based rents.

Ceiling Rents [24 CFR 960.253 (c)(2) and (d)]

Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance).

RRHA chooses not to use ceiling rents.

Utility Reimbursement [24 CFR 960.253(c)(3)]

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits RRHA to pay the reimbursement to the family or directly to the utility provider.

RRHA may make all utility reimbursement payments to qualifying families on a monthly basis or may make quarterly payments when the monthly reimbursement amount is $15.00 or less. Reimbursements must be made once per calendar-year quarter, either prospectively or retroactively, and must be prorated if the family leaves the program in advance of its next quarterly reimbursement. RRHA must also adopt hardship policies for families for whom receiving quarterly reimbursement would create a financial hardship. RRHA must issue reimbursements that exceed $15.00 per month on a monthly basis.

RRHA Policy

RRHA will issue all utility reimbursements monthly.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

Overview

Since RRHA has established a minimum rent greater than zero, RRHA will grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If RRHA determines that a hardship exists, the TTP is the highest of the remaining components of the family's calculated TTP.

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

(2) The family would be evicted because it is unable to pay the minimum rent.

For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.

(3) Family income has decreased because of changed family circumstances, including the loss of employment.

(4) A death has occurred in the family.

In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

Implementation of Hardship Exemption

Determination of Hardship

When a family requests a financial hardship exemption, RRHA will suspend the minimum rent requirement beginning the first of the month following the family's request.

RRHA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

RRHA defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days.

RRHA may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.

When the minimum rent is suspended, the TTP reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

Example: Impact of Minimum Rent Exemption Assume RRHA has established a minimum rent of $35			
TTP – No Hardship		**TTP – With Hardship**	
$0	30% of monthly adjusted income	$0	30% of monthly adjusted income
$15	10% of monthly gross income	$15	10% of monthly gross income
N/A	Welfare rent	N/A	Welfare rent
$35	Minimum rent	$35	Minimum rent
Minimum rent applies TTP = $35		Hardship exemption granted TTP = $15	

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

RRHA will make the determination of hardship within 30 calendar days.

No Financial Hardship

If RRHA determines there is no financial hardship, RRHA will reinstate the minimum rent and require the family to repay the amounts suspended.

For procedures pertaining to grievance hearing requests based upon RRHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

RRHA will require the family to repay the suspended amount within 30 calendar days of RRHA's notice that a hardship exemption has not been granted.

Temporary Hardship

If RRHA determines that a qualifying financial hardship is temporary, RRHA will reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption.

The family must resume payment of the minimum rent and must repay RRHA the amounts suspended. HUD requires RRHA to offer a reasonable repayment agreement, on terms and conditions established by RRHA. RRHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon RRHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

RRHA may enter into a repayment agreement in accordance with RRHA's repayment agreement policy (see Chapter 16).

Long-Term Hardship

If RRHA determines that the financial hardship is long-term, RRHA will exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

The hardship period ends when any of the following circumstances apply:

(1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.

(2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a $60/month child support payment, the hardship will continue to exist until the family receives at least $60/month in income from another source or once again begins to receive the child support.

(3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

6-III.C. UTILITY ALLOWANCES [24 CFR 965, Subpart E]

Overview

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, RRHA will use the utility allowance applicable to the type of dwelling unit leased by the family.

For policies on establishing and updating utility allowances, see Chapter 16.

Resident-Paid Utilities

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

If a resident or applicant is unable to get utilities connected because of a previous balance owed to the utility company, the resident/applicant will not be permitted to move into a unit with resident paid utilities. This may mean that a current resident cannot transfer to a scattered site or that an applicant cannot be admitted to a unit with resident-paid utilities.

Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.

When the Utility Allowance exceeds the family's Total Tenant Payment, RRHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

Reasonable Accommodation [24 CFR 8]

On request from a family, RRHA will approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ GB, p. 172].

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

See Chapter 2 for policies related to reasonable accommodations.

Utility Allowance Revisions [24 CFR 965.507]

RRHA will review its schedule of utility allowances each year. Between annual reviews, RRHA will revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p. 171].

The tenant rent calculations must reflect any changes in RRHA's utility allowance schedule [24 CFR 960.253(c)(3)].

Unless RRHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

6-III.D. PRORATED RENT FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. RRHA will prorate the assistance provided to a mixed family. RRHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, RRHA will:

(1) Subtract the TTP from the flat rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.

(2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).

(3) Multiply the member maximum subsidy by the number of eligible family members.

(4) Subtract the subsidy calculated in the last step from the flat rent. This is the prorated TTP.

(5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

Revised public housing flat rents will be applied to a mixed family's rent calculation at the first annual reexamination after the revision is adopted.

(6) When the mixed family's TTP is greater than the applicable flat rent, use the TTP as the prorated TTP. The prorated TTP minus the utility allowance is the prorated rent for the mixed family.

6-III.E. FLAT RENTS AND FAMILY CHOICE IN RENTS [24 CFR 960.253]

Flat Rents [24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the reexamination of families paying flat rent are contained in Chapter 9, and policies related to the establishment and review of flat rents are contained in Chapter 16.

Family Choice in Rents [24 CFR 960.253(a) and (e)]

Once each year, RRHA will offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. RRHA will document that flat rents were offered to families under the methods used to determine flat rents for RRHA.

The annual RRHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination.

RRHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

RRHA will provide sufficient information for families to make an informed choice. This information must include RRHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year RRHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

Switching from Flat Rent to Income-Based Rent Due to Hardship [24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If RRHA determines that a financial hardship exists, RRHA will immediately allow the family to switch from flat rent to the income-based rent.

Upon determination by RRHA that a financial hardship exists, RRHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by RRHA to be appropriate

RRHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

Phasing In Flat Rents [Notice PIH 2017-23; 24 CFR 960.253(b)]

When new flat rents requirements were implemented in 2014, HUD limited the increase for existing residents paying flat rent at that time to no more than 35 percent of the current tenant rent per year. In some cases, this meant that some residents had or will have their flat rents phased-in at the time of their annual recertification. To do this, RRHA conducts a flat rent impact analysis to determine whether a phase-in is or was necessary. For families whose flat rent is being phased-in, RRHA must multiply the family's current rent amount by 1.35 and compare the result to the flat rent under RRHA's policies. Families who have subsequently been admitted to the program or have subsequently selected flat rent will not experience a phase in.

Notice PIH 2017-23 requires that flat rents must be phased in at the full 35 percent per year. RRHA does not have the option of phasing in flat rent increases at less than 35 percent per year.

Example: A family was paying a flat rent of $500 per month. At their annual recertification, the PHA has increased the flat rent for their unit size to comply with the new requirements to $700. The PHA conducted a flat rent impact analysis as follows:

$500 x 1.35 = $675

Since the PHA's increased flat rent of $700 resulted in a rent increase of more than 35 percent, the PHA offered the family the choice to pay either $675 per month or an income-based rent. The flat rent increase was phased in. At their next annual recertification in November 2015, the PHA will again multiply the family's current flat rent by 1.35 and compare the results to the PHA's current flat rent.

Flat Rents and Earned Income Disallowance [A&O FAQs]

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

Under the EID original calculation method, a family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their exclusion period would have the exclusion period continue while paying flat rent as long as the employment that is the subject of the exclusion continues. A family paying flat rent could therefore see a family member's exclusion period expire while the family is paying flat rent.

Under the EID revised calculation method, a family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their exclusion period would have the exclusion period continue while paying flat rent regardless whether the

employment that is the subject of the exclusion continues. A family paying flat rent could therefore see a family member's exclusion period expire while the family is paying flat rent.

Attachment I: PHA Plan Element – Homeownership Programs

RRHA operates a Section 5(h) Lease-Purchase Homeownership Program that provides opportunities for residents of the Public Housing program to purchase their public housing units. This program was approved by HUD and implemented in 2001and originally included 32 units. The count was reduced to 22 units, with HUD approval, in 2011. Currently, 8 units remain in the program.

RRHA is currently operating a HUD-approved Section 32 Homeownership Program. This program provides an additional 5 public housing units for homeownership opportunities for HUD-assisted renters and other families in the Roanoke community whose income creates a barrier to homeownership.

RRHA also operates a Housing Choice Voucher Homeownership Program. Currently, 10 HCV program participants are receiving mortgage-assistance through this program.

RRHA also plans to use proceeds from homes sold in previous homeownership programs to develop additional affordable homeownership opportunities within the City of Roanoke, with a focus on the Loudon-Melrose/Shenandoah West Choice Neighborhoods Transformation Plan area. The plan recommends opportunities within the neighborhood and in census tracts with low poverty and minority concentrations.

Attachment J: PHA Plan Element – Safety and Crime Prevention

A description 1) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) any activities, services, or programs provided or offered by RRHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) any activities, services, or programs provided or offered by RRHA to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

RRHA's activities related to VAWA are described in the Public Housing Admission and Continued Occupancy Policy and the Section 8 Administrative Plan. A listing of community service providers that provide services related to domestic violence, dating violence, sexual assault or stalking; description of services provided; and contact information follows the policies.

Public Housing

(Chapter 16, Part VII, Violence Against Women Act (VAWA): Notification, Documentation, Confidentiality, pages 16-14 through 16-30, RRHA Admissions and Continued Occupancy Policy, approved by the RRHA Board of Commissioners on February 25, 2019)

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

16-VII.A. OVERVIEW

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

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

16-VII.B. DEFINITIONS [24 CFR 5.2003, FR Notice 8/6/13]

As used in VAWA:

- The term *affiliated individual* means, with respect to a person:
    - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that person stands in the position or place of a parent; or
    - Any individual, tenant or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - The length of the relationship
    - The type of relationship
    - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse 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:
- 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-VII.C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

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

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

- A notice of occupancy rights under VAWA to public housing program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)
- A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)
- A copy of RRHA's emergency transfer plan (see Exhibit 16-3)
- A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (see Exhibit 16-4)
- The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibit 16-1)

- Contact information for local victim advocacy groups or service providers

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

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

RRHA must distribute a notice of VAWA rights, along with the VAWA self-certification form (HUD-5382) at each of these three junctures.

RRHA Policy

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

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

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

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

RRHA Policy

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

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

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

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

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

The individual may satisfy RRHA'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. The form may be filled out and submitted on behalf of 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. Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

RRHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA 2005 final rule].

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.

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

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

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where RRHA 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, RRHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). RRHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to RRHA. RRHA must honor any court orders issued to protect the victim or to address the distribution of property. Individuals have 30 calendar days to return third-party verification to RRHA. If RRHA does not receive third-party documentation, and RRHA will deny or terminate assistance as a result, RRHA must hold separate hearings for the tenants [Notice PIH 2017-08].

If presented with conflicting certification documents from members of the same household, RRHA will attempt to determine which is the true victim by requiring each of them to provide

third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made. When requesting third-party documents, RRHA will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of request to provide such documentation.

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

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

RRHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence - i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

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

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

In order to deny relief for protection under VAWA, RRHA 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 RRHA may allow, RRHA may deny relief for protection under VAWA.

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

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

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

EXHIBIT 16-1: SAMPLE Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD-5380

City of Roanoke Redevelopment and Housing Authority

Notice of Occupancy Rights under the Violence Against Women Act[1]

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 projections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.[2] The U.S. Department of housing and Urban Development (HUD) is the Federal agency that oversees that the Public Housing Program 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 Public Housing Program, 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 are receiving assistance under the Public Housing Program, 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 the Public Housing Program 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

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[1] Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

[2] Housing providers cannot discriminate on the basis of any protected characteristics, 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.

RRHA 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 RRHA chooses to remove the abuser or perpetrator, RRHA 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, RRHA must allow the tenant who is or has been a victim and other household members to remain in the unit for30 days, 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, RRHA must follow Federal, State, and local eviction procedures. In order to divide a lease, RRHA 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, RRHA 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, RRHA 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, RRHA 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 RRHA does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, RRHA may ask you for such documentation, as described in the documentation section below.
2. **You expressly request the emergency transfer.** RRHA 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.

RRHA 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.

RRHA's emergency transfer plan provides further information on emergency transfers, and RRHA 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

RRHA can, bust 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 RRHA must be in writing, and RRHA 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. RRHA may, but does not have to, extend the deadline for the submission of documentation upon you request.

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

- A completed HUD-approved certification form given to you by RRHA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask 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 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") form 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 of protection.
- Any other statement or evidence that RRHA has agreed to accept.

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

If RRHA 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 name one or more of the other petitioning household members as the abuser or perpetrator), RRHA 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, RRHA does not have to provide you with the protections contained in this notice.

Confidentiality

RRHA 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.

RRHA must not allow any individual administering assistance or other services on behalf of RRHA (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.

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

- You give written permission to RRHA to release the information on a time limited basis.
- RRHA 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 RRHA to release the information.

VAWA does not limit RRHA'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, RRHA 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 RRHA 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 RRHA can demonstrate the above, RRHA 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 your PHA for violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with US Dept. of Housing & Urban Development; 600 E Broad Street, Room FL3-300; Richmond, VA 23219.

For Additional Information

You may view a copy of HUD's final VAWA rule at https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf. .

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

For questions regarding VAWA, please contact your Site Manager. If you do not have the office number to the site, you may call the RRHA main number at 540-983-9281.

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 Domestic Violence Service Center 540-283-4813.

For help regarding sexual assault, you may contact Domestic Violence Service Center 540-283-4813 or Sabrina's Place -777-HOPE (Jo Nelson).

Victims of stalking seeking help may contact LGBTQ Partner Abuse and Sexual Assault - 866-356-6998 (Person on call) or Roanoke City Police Department - Frank Leftwich - Criminal Investigations / Special Victims Unit 540-853-5299.

Attachment: Certification form HUD-5382

EXHIBIT 16-2: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, Form HUD-5382

CERTIFICATION OF **U.S. Department of Housing** OMB Approval No. 2577-0286

DOMESTIC VIOLENCE, **and Urban Development** Exp. 06/30/2017

DATING VIOLENCE,

SEXUAL ASSAULT, OR STALKING,

AND ALTERNATE DOCUMENTATION

Purpose of Form: The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

(1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.

(2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not

need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: _____
2. Name of victim: _____
3. Your name (if different from victim's):_____
4. Name(s) of other family member(s) listed on the lease: _____

_____

5. Residence of victim: _____
6. Name of the accused perpetrator (if known and can be safely disclosed):_____

_____

7. Relationship of the accused perpetrator to the victim: _____
8. Date(s) and times(s) of incident(s) (if known):_____

_____

9. Location of incident(s):_____

In your own words, briefly describe the incident(s):

_____ _____

_____

_____

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

EXHIBIT 16-3: RRHA Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Public Housing Program Version)

City of Roanoke Redevelopment and Housing Authority (RRHA)

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

Public Housing Program

Emergency Transfers

City of Roanoke Redevelopment and Housing Authority (RRHA) 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)[3], RRHA 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.[4] The ability of RRHA 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 RRHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that the Public Housing and Housing Choice Voucher (HCV) programs are in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

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[3] Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

[4] 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.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify RRHA's management office and submit a written request for a transfer to City of Roanoke Redevelopment and Housing Authority.

RRHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under RRHA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

RRHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives RRHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person or persons that committed an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about RRHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

RRHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. RRHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. RRHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If RRHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, RRHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, RRHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Emergency Transfers: Public Housing Program

If you are a participant in the public housing program and request an emergency transfer as described in this plan. RRHA will make exceptions to program regulations restricting moves as required.

At your request, RRHA will refer you to organizations that may be able to further assist you.

You may also request an emergency transfer under the following programs for which you are required to apply:

- Public Housing program
- Housing Choice Voucher Program
- Multifamily (Hackley Apartments)
- Low Income Housing Tax Credits (LIHTC)

Emergency transfers will not take priority over waiting list admissions for these programs. At your request, RRHA will refer you to organizations that may be able to further assist you.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at https://ohl.rainn.org/online/.

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.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

EXHIBIT 16-4: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking HUD-5383

EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0286

Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet 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. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) **You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

(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 submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA

protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's) _____

3. Name(s) of other family member(s) listed on the lease: _____

_____

4. Name(s) of other family member(s) who would transfer with the victim: _____

_____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed):_____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s):_____

_____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

_____

_____

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

EXHIBIT 16-5: Model Owner Notification of Rights and Obligations

City of Roanoke Redevelopment and Housing Authority

Notification of Your Rights and Obligations Under the Violence Against Women Act (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV) and PBV applicants, tenants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault and stalking.

Purpose

Many of VAWA's protections to victims of domestic violence, dating violence, sexual assault and stalking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called "Notice") is to explain your rights and obligations under VAWA, as an owner of housing assisted through RRHA's HCV program. Each component of this Notice also provides citations to HUD's applicable regulations.

Denial of Tenancy

Protections for applicants: Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, or stalking. However, the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

Eviction

Protections for HCV participants: Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, or stalking, conducted by a member of a tenant's household or any guest or other person under the tenant's control, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

Limitations of VAWA protections:

a. Nothing in the VAWA Final Rule limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):
    1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
    2) The distribution or possession of property among members of a household in a case.
b. Nothing in the VAWA Final Rule limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, or stalking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, or stalking, as long as the owner does not subject the victim to more demanding standards than other tenants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

c. Nothing in the VAWA Final Rule limits an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the HCV property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)
    1) In this context, words, gestures, actions, or other indicators will be considered an "actual and imminent threat" if they meet the following standards: 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. (See 24 CFR 5.2003.)
    2) Any eviction due to "actual and imminent threat" should be utilized by an owner 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 seeking 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. (See 24 CFR 5.2005(d)(4).)

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

If an applicant or tenant requests VAWA protection based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, the owner has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. However, nothing in HUD's regulation requires a covered housing provider to request this documentation. (See 24 CFR 5.2007(b)(3).)

If the owner chooses to request this documentation, the owner must make such request in writing. The individual may satisfy this request by providing any one document type listed under 24 CFR 5.2007(b)(1):

a. Form HUD-55383 (Self-Certification Form); or
b. A document: 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:
    1) Signed by the applicant or tenant; and
    2) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
c. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

d. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

The owner must accept any of the above items (a – c). The owner has discretion to accept a statement or other evidence (d).

The owner is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, or stalking, unless the submitted documentation contains conflicting information.

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.2007(a)(2)). The owner may extend this time period at its discretion. During the 14 business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

a. Deny admission by the applicant or tenant to the housing or program;
b. Deny assistance under the covered housing program to the applicant or tenant;
c. Terminate the participation of the tenant in the covered housing program; or
d. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

Moves

A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

Lease Bifurcation

Owners may choose to bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. (See 24 CFR 5.2009(a).) If an owner chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases.

To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

Evictions Due to "Actual and Imminent Threat" or Violations Not Premised on Abuse

The VAWA Final Rule generally prohibits eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, the VAWA Final Rule does not prohibit an owner from evicting a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. Nor does the VAWA Final Rule prohibit an owner from evicting a tenant if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to property of the owner would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 5.2005(d)(2) and (3).)

In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

Actual and imminent threat refers to 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.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence by the covered housing provider. (See 24 CFR 5.2007(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim).

The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

a. Requested or consented to in writing by the individual (victim) in a time-limited release;

b. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
c. Otherwise required by applicable law.

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.

Service Providers

RRHA has extensive relationships with local service providers. RRHA staff are available to provide referrals to shelters, counselors, and advocates. These resources are also provided in RRHA's Annual and 5-Year Plan, Administrative Plan, VAWA Notice of Occupancy Rights, and Emergency Transfer Plan. A list of local service providers is attached to this Notice.

Definitions

Actual and imminent threat refers to 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.

Affiliated individual, with respect to an individual, means:

1. A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
2. Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating violence means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    i. The length of the relationship;
    ii. The type of relationship; and
    iii. The frequency of interaction between the persons involved in the relationship.

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 "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate

nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's individual safety or the safety of others; or
2. Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

Attached:

Legal services and the domestic violence resources for the Metro area

Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
RRHA VAWA Notice of Occupancy Rights

Section 8

(Chapter 16, Part IX, Violence Against Women Act (VAWA): Notification, Documentation, Confidentiality, pages 16-29 through 16-52, RRHA Section 8 Administrative Plan, approved by the RRHA Board of Commissioners on September 24, 2018)

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

16-IX.A. OVERVIEW

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

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and RRHA policies in three areas: notification, documentation, and confidentially. Specific VAWA requirements and RRHA 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 Move"; 10-I.B., "Restrictions on Moves"; 12-II.E., "Termination Related to Domestic Violence, Dating Violence, or Stalking"; and 12-II.F., "Termination Notice."

16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925] as used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited 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

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

RRHA Policy

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

- A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault or stalking (Form HUD-5380, see Exhibit 16-1)
- A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation (see Exhibit 16-2)
- A copy of RRHA's emergency transfer plan (Exhibit 16-3)
- A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)
- The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)
- Contact information for local victim advocacy groups or service providers

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

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

RRHA Policy

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

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

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

RRHA is not limited to providing VAWA information at the times specified in the above policy. If RRHA decides to provide VAWA information to a participant following an incident of domestic violence, Notice PIH 2017-08 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases RRHA make alternative delivery arrangements that will not put the victim at risk.

RRHA Policy

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

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

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

Notification to Owners and Managers

While RRHA is no longer required by regulation to notify owners and managers participating in the HCV program of their rights and obligations under VAWA, RRHA may still choose to inform them.

RRHA Policy

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

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

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

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

The individual may satisfy RRHA'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 from (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. The form may be filled out and submitted on behalf of 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; and 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.

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

RRHA 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.

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

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

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where RRHA receives conflicting certification documents from two or more member of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, RRHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3) within 30 calendar days of the date of the request for third-party documentation. RRHA must honor any court orders issued to protect the victim or to address the distribution of property. RRHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to RRHA. Individuals have 30 calendar days to return third-party verification to RRHA. If RRHA does not receive third-party documentation, and RRHA will deny or terminate assistance as a result, RRHA must hold separate hearings for the tenants [Notice PIH 2017-08].

RRHA Policy

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

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

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

Discretion to Require no Formal Documentation [24 CFR 5.2007(d)]

RRHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

RRHA Policy

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

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

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

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

All information provided to RRHA 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 RRHA (1) may not enter the information into any shared

database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for the 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.

RRHA Policy

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

EXHIBIT 16-1: SAMPLE Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD-5380

City of Roanoke Redevelopment and Housing Authority

Notice of Occupancy Rights under the Violence Against Women Act[5]

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 projections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.[6] The U.S. Department of housing and Urban Development (HUD) is the Federal agency that oversees that the Housing Choice Voucher Program 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 Housing Choice Voucher Program, 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 are receiving assistance under the Housing Choice Voucher Program, 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 the Housing Choice Voucher Program 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.

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[5] Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

[6] Housing providers cannot discriminate on the basis of any protected characteristics, 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.

Removing the Abuser or Perpetrator from the Household

RRHA 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 RRHA chooses to remove the abuser or perpetrator, RRHA 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, RRHA 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, RRHA must follow federal, state, and local eviction procedures. In order to divide a lease, RRHA 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, RRHA 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, RRHA 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, RRHA 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:

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

5. **You expressly request the emergency transfer.** RRHA may choose to require that you submit a form, or may accept another written or oral request.

6. **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.

RRHA 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.

RRHA's emergency transfer plan provides further information on emergency transfers, and RRHA 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

RRHA can, bust 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 RRHA must be in writing, and RRHA 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. RRHA may, but does not have to, extend the deadline for the submission of documentation upon you request.

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

- A completed HUD-approved certification form given to you by RRHA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask 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 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") form 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 of protection.
- Any other statement or evidence that RRHA has agreed to accept.

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

If RRHA 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 name one or more of the other petitioning household members as the abuser or perpetrator), RRHA 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, RRHA does not have to provide you with the protections contained in this notice.

Confidentiality

RRHA 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.

RRHA must not allow any individual administering assistance or other services on behalf of RRHA (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.

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

- You give written permission to RRHA to release the information on a time limited basis.
- RRHA 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 RRHA or your landlord to release the information.

VAWA does not limit RRHA'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, RRHA 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 RRHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

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

If RRHA can demonstrate the above, RRHA 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 US Dept. of Housing & Urban Development; 600 E Broad Street, Room FL3-300; Richmond, VA 23219.

For Additional Information

You may view a copy of HUD's final VAWA rule at 24 CFR 5.2005: https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf.

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

For questions regarding VAWA, please contact the Housing Choice Voucher Manager at 540-983-9281.

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 Domestic Violence Service Center 540-283-4813.

For help regarding sexual assault, you may contact Domestic Violence Service Center 540-283-4813 or Sabrina's Place -777-HOPE (Jo Nelson).

Victims of stalking seeking help may contact LGBTQ Partner Abuse and Sexual Assault - 866-356-6998 (Person on call) or Roanoke City Police Department - Frank Leftwich - Criminal Investigations / Special Victims Unit 540-853-5299.

Attachment: Certification form HUD-5382

EXHIBIT 16-2: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, Form HUD-5382

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

(4) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.

(5) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(6) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

_____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

_____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

_____

9. Location of incident(s): _____

In your own words, briefly describe the incident(s):

_____

_____

_____

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

EXHIBIT 16-3: RRHA Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Housing Choice Voucher Version)

City of Roanoke Redevelopment and Housing Authority (RRHA)

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

Housing Choice Voucher Program

Emergency Transfers

City of Roanoke Redevelopment and Housing Authority (RRHA) 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)[7], RRHA 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.[8] The ability of RRHA 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 RRHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that the Public Housing and Housing Choice Voucher (HCV) programs are in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

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[7] Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

[8] 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.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify RRHA's management office and submit a written request for a transfer to City of Roanoke Redevelopment and Housing Authority.

RRHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

3. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under RRHA's program; OR
4. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

RRHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives RRHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person or persons that committed an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about RRHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

RRHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. RRHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. RRHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If RRHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, RRHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, RRHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Emergency Transfers: Housing Choice Voucher (HCV) Program

Tenant-based assistance: If you are a participant in the tenant-based HCV program and request an emergency transfer as described in this plan, RRHA will assist you to move to a safe unit quickly using your existing voucher assistance. RRHA will make exceptions to program regulations restricting moves as required.

At your request, RRHA will refer you to organizations that may be able to further assist you.

You may also request an emergency transfer under the following programs for which you are required to apply:

- Housing Choice Voucher Program
- Public Housing Program
- Multifamily (Hackley Apartments)
- Low Income Housing Tax Credits (LIHTC)

Emergency transfers will not take priority over waiting list admissions for these programs. At your request, RRHA will refer you to organizations that may be able to further assist you.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at https://ohl.rainn.org/online/.

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.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

EXHIBIT 16-4: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking HUD-5383

EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

(4) **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. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(5) **You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

(6) **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 submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's) _____

3. Name(s) of other family member(s) listed on the lease: _____

_____

4. Name(s) of other family member(s) who would transfer with the victim: _____

_____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed):_____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s):_____

_____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

_____

_____

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

EXHIBIT 16-5: Model Owner Notification of Rights and Obligations

City of Roanoke Redevelopment and Housing Authority

Notification of Your Rights and Obligations Under the Violence Against Women Act (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV) and PBV applicants, tenants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault and stalking.

Purpose

Many of VAWA's protections to victims of domestic violence, dating violence, sexual assault and stalking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called "Notice") is to explain your rights and obligations under VAWA, as an owner of housing assisted through RRHA's HCV program. Each component of this Notice also provides citations to HUD's applicable regulations.

Denial of Tenancy

Protections for applicants: Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, or stalking. However, the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

Eviction

Protections for HCV participants: Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, or stalking, conducted by a member of a tenant's household or any guest or other person under the tenant's control, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

Limitations of VAWA protections:

d. Nothing in the VAWA Final Rule limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):
    1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
    2) The distribution or possession of property among members of a household in a case.

e. Nothing in the VAWA Final Rule limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, or stalking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, or stalking, as long as the owner does not subject the victim to more demanding standards than other tenants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

f. Nothing in the VAWA Final Rule limits an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the HCV property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)
    1) In this context, words, gestures, actions, or other indicators will be considered an "actual and imminent threat" if they meet the following standards: 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. (See 24 CFR 5.2003.)
    2) Any eviction due to "actual and imminent threat" should be utilized by an owner 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 seeking 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. (See 24 CFR 5.2005(d)(4).)

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

If an applicant or tenant requests VAWA protection based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, the owner has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. However, nothing in HUD's regulation requires a covered housing provider to request this documentation. (See 24 CFR 5.2007(b)(3).)

If the owner chooses to request this documentation, the owner must make such request in writing. The individual may satisfy this request by providing any one document type listed under 24 CFR 5.2007(b)(1):

e. Form HUD-55383 (Self-Certification Form); or
f. A document: 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:
    3) Signed by the applicant or tenant; and
    4) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
g. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

h. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

The owner must accept any of the above items (a – c). The owner has discretion to accept a statement or other evidence (d).

The owner is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, or stalking, unless the submitted documentation contains conflicting information.

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.2007(a)(2)). The owner may extend this time period at its discretion. During the 14 business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

e. Deny admission by the applicant or tenant to the housing or program;
f. Deny assistance under the covered housing program to the applicant or tenant;
g. Terminate the participation of the tenant in the covered housing program; or
h. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

Moves

A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

Lease Bifurcation

Owners may choose to bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. (See 24 CFR 5.2009(a).) If an owner chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases.

To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

Evictions Due to "Actual and Imminent Threat" or Violations Not Premised on Abuse

The VAWA Final Rule generally prohibits eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, the VAWA Final Rule does not prohibit an owner from evicting a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. Nor does the VAWA Final Rule prohibit an owner from evicting a tenant if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to property of the owner would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 5.2005(d)(2) and (3).)

In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

Actual and imminent threat refers to 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.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence by the covered housing provider. (See 24 CFR 5.2007(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim).

The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

d. Requested or consented to in writing by the individual (victim) in a time-limited release;

e. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
f. Otherwise required by applicable law.

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.

Service Providers

RRHA has extensive relationships with local service providers. RRHA staff are available to provide referrals to shelters, counselors, and advocates. These resources are also provided in RRHA's Annual and 5-Year Plan, Administrative Plan, VAWA Notice of Occupancy Rights, and Emergency Transfer Plan. A list of local service providers is attached to this Notice.

Definitions

Actual and imminent threat refers to 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.

Affiliated individual, with respect to an individual, means:

3. A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
4. Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating violence means violence committed by a person:

3. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
4. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
   iv. The length of the relationship;
   v. The type of relationship; and
   vi. The frequency of interaction between the persons involved in the relationship.

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 "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate

nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

3. Fear for the person's individual safety or the safety of others; or
4. Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

Attached:

Legal services and the domestic violence resources for the Metro area

Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
RRHA VAWA Notice of Occupancy Rights

AGENCY	ADDRESS	PHONE	CONTACT	SERVICE
Turning Point	815 Salem Ave. SW Roanoke VA 24016	(540) 345-0400	Digna Marrero Domestic Violence (DV) Case Worker	Battered Women's Shelter
Sabrina's Place	120 Kirk Ave. Roanoke VA 24011	(540) 777-3799	Melody Robinson/ DV Coordinator	Supervised visitation and safe exchange
Rke. City Police Dept.	348 Campbell Ave Roanoke, VA 24016	(540) 853-6889	Pamela Gold DV Specialist	DV assistance with protective orders, warrants, resources, etc.
Family Services	360 Campbell Ave Roanoke *VA* 24016	(540) 563-5316	Luann Leffler/ Intake Coordinator	Individual and group counseling for batterers
TAP Women's Resource Center	145 Campbell Ave Roanoke VA 24016	(540) 283-4813	Debbie Anderson/ DV Case Manager/Court Advocate	Help clients find other DV resources and accompany them to court
TAP DV Hotline	145 Campbell Ave Roanoke VA 24016	540-580-0775	Shirleen Dungee	Domestic Violence Hotline
Rke. City DSS	1510 Williamson Rd Roanoke VA 24012	(540) 853-2591 ext 853528	Gwendolyn Colman DV Social Worker	Help clients find other DV resources
Rke. Co. DSS	220 East Main St. Salem VA 24153	(540) 387-6087	No Designated Caseworker	Rke. County refers all DV to TAP Women's Resource Center

Carilion Clinic	1906 Belleview Ave Roanoke VA 24014	(540) 266-2025 (o) 981-7337 (urgent)	Melissa Ratcliff-Harper/Lead Forensic	Forensic Nurses with DV expertise
Legal Aid	132 Campbell Ave Roanoke VA 24011	(540) 344-2088	No designated contact. All referrals must fill out an Application first	Assistance with cases that involve domestic violence
Probation & Parole – Dist. 15	305 Electric Rd Salem, VA 24153	(540) 387-6702	Chief Paul Kaiser	Supervisor with DV expertise

Attachment K: PHA Plan Element – Pets

(Chapter 10, Pets, pages 10-1 through 10-11, RRHA Admissions and Continued Occupancy Policy, approved by the RRHA Board of Commissioners on September 24, 2018)

10-I.A. OVERVIEW

This part discusses situations under which permission for a service animal or an assistance animal may be denied, and also establishes standards for the care of service and assistance animals.

Notice FHEO 2013-01 was published April 25, 2013. The notice explains the difference between service animals and assistance animals. While the ADA applies to the premises of public housing agencies and to "public accommodations" such as stores and movie theaters, it does not apply to private-market rental housing. Therefore, in public housing RRHA must evaluate a request for a service animal under both the ADA and the Fair Housing Act. Service animals are limited to trained dogs.

Neither service animals nor assistance animals are pets, and thus, are not subject to RRHA's pet policies described in Parts II through IV of this chapter [24 CFR 5.303; 960.705; Notice FHEO 2013-01].

10-I.B. APPROVAL OF SERVICE ANIMALS AND ASSISTANCE ANIMALS

Notice FHEO 2013-01 states that RRHA should first evaluate the request as a service animal under the ADA. RRHA may only ask whether the dog is a service animal required due to a disability, and what tasks the animal has been trained to perform

RRHA cannot require proof of training or certification for a service animal, even if the disability and or tasks performed are not readily apparent. If the disability and /or tasks performed are not readily apparent, no further inquiries may be made.

RRHA may only deny a request for a service animal in limited circumstances;

- The animal is out of control and the handler does not take effective action to control it
- The animal is not housebroken, or
- The animal poses a direct threat to health or safety that cannot be eliminated or reduced by a reasonable modification of other policies

A service animal must be permitted in all areas of the facility where members of the public are allowed.

If the animal does not qualify as a service animal under the ADA, RRHA must next determine whether the animal would qualify as an assistance animal under the reasonable accommodation provisions of the Fair Housing Act. Such assistance animals may include animals other than dogs.

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal [PH Occ GB, p. 179].

RRHA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons

with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability [PH Occ GB, p. 178].

RRHA's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless [PH Occ GB, p. 179]:

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation
- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

RRHA has the authority to regulate Service animals and assistance animals under applicable federal, state, and local law [24 CFR 5.303(b)(3); 960.705(b)(3)].

For an animal to be excluded from the pet policy and be considered a service animal, it must be a trained dog, and there must be a person with disabilities in the household who requires the dog's services.

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and RRHA approve a reasonable accommodation in accordance with the policies contained in Chapter 2.

10-I.C. CARE AND HANDLING

HUD regulations do not affect any authority RRHA may have to regulate service animals and assistance animals under federal, state, and local law [24 CFR 5.303; 24 CFR 960.705].

Residents must care for service animals and assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that service animals and assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

When a resident's care or handling of a service animal or assistance animal violates these policies, RRHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If RRHA determines that no such accommodation can be made, RRHA may withdraw the approval of a particular service or assistance animal.

PART II: PET POLICIES FOR ALL DEVELOPMENTS
[24 CFR 5, Subpart C; 24 CFR 960, Subpart G]

10-II.A. OVERVIEW

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

10-II.B. MANAGEMENT APPROVAL OF PETS

Registration of Pets

Pets must be registered with RRHA before they are brought onto the premises.

Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free. This registration must be renewed annually and will be coordinated with the annual reexamination date.

Pets will not be approved to reside in a unit until completion of the registration requirements.

Refusal to Register Pets

RRHA will refuse to register a pet if:

- The pet is not a *common household* pet as defined in Section 10-II.C. below
- Keeping the pet would violate any pet restrictions listed in this policy
- The pet owner fails to provide complete pet registration information, or fails to update the registration annually
- The applicant has previously been charged with animal cruelty under state or local law; or has been evicted, had to relinquish a pet or been prohibited from future pet ownership due to pet rule violations or a court order
- RRHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

If RRHA refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of RRHA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with RRHA's grievance procedures.

Pet Agreement

Residents who have been approved to have a pet must enter into a pet agreement with RRHA, or the approval of the pet will be withdrawn.

The pet agreement is the resident's certification that he or she has received a copy of RRHA's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the pet agreement that he or she understands that noncompliance with RRHA's pet policy and applicable house rules may result in the withdrawal of RRHA approval of the pet or termination of tenancy.

10-II.C. STANDARDS FOR PETS [24 CFR 5.318; 960.707(b)]

RRHA may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit, based on unit size

- Prohibitions on types of animals that RRHA classifies as dangerous, provided that such classifications are consistent with applicable state and local law
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered

RRHA may not require pet owners to have any pet's vocal cords removed.

RRHA may not require pet owners to obtain or carry liability insurance.

RRHA may not require that cats be declawed.

Definition of "Common Household Pet"

There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorize RRHA to define the term [24 CFR 5.306(2)].

Common household pet means a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

The following animals are not considered common household pets:

- Reptiles
- Rodents
- Insects
- Arachnids
- Wild animals or feral animals
- Pot-bellied pigs
- Animals used for commercial breeding

Pet Restrictions

The following animals are not permitted:

- Any animal whose adult weight will exceed 20 pounds
- Dogs of the Pit Bull, Rottweiler, Chow, or Boxer breeds
- Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations
- Any animal not permitted under state or local law or code

Number of Pets

Residents may own a maximum of 2 pets, only 1 of which may be a dog.

In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to 10 gallons. Such a tank or aquarium will be counted as 1 pet.

Other Requirements

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

10-II.D. PET RULES

Pet owners must maintain pets responsibly, in accordance with RRHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations [24 CFR 5.315; 24 CFR 960.707(a)].

Pet Area Restrictions

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried. They must be under the control of the resident or other responsible individual at all times.

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

Designated Pet/No-Pet Areas [24 CFR 5.318(g), PH Occ GB, p. 182]

With the exception of common areas as described in the previous policy, RRHA has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, RRHA has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

Cleanliness

The pet owner shall be responsible for the removal of waste from the common areas outside by placing it in a sealed plastic bag and disposing of it in a container provided by RRHA.

The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

- Litter box requirements:
    - Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.
    - Litter shall not be disposed of by being flushed through a toilet.
    - Litter boxes shall be kept inside the resident's dwelling unit.

Alterations to Unit

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

Noise

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

Pet Care

Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage RRHA property.

No animals may be tethered or chained inside or outside the dwelling unit at any time.

Responsible Parties

The pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify RRHA and sign a statement that they agree to abide by all of the pet rules.

Pets Temporarily on the Premises

Pets that are not owned by a tenant are not allowed on the premises. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by RRHA.

Pet Rule Violations

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation
- That the pet owner is entitled to be accompanied by another person of his or her choice at the meeting

- That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

Notice for Pet Removal

If the pet owner and RRHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by RRHA, RRHA may serve notice to remove the pet.

The notice will contain:

- A brief statement of the factual basis for RRHA's determination of the pet rule that has been violated
- The requirement that the resident /pet owner must remove the pet within 30 calendar days of the notice
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

Pet Removal

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if RRHA after reasonable efforts cannot contact the responsible party, RRHA may contact the appropriate state or local agency and request the removal of the pet.

Termination of Tenancy

RRHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

Emergencies

RRHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for RRHA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

PART III: PET DEPOSITS AND FEES IN ELDERLY/DISABLED DEVELOPMENTS

10-III.A. OVERVIEW

This part describes RRHA's policies for pet deposits and fees in elderly, disabled and mixed population developments. Policies governing deposits and fees in general occupancy developments are described in Part IV.

10-III.B. PET DEPOSITS

Payment of Deposit

Pet owners are required to pay a pet deposit of $300.00 for a dog or a cat and $75.00 for a bird or fish aquarium, in addition to any other required deposits. This deposit is in addition to any other financial obligation generally imposed on tenants of the project [24 CFR 5.318(d)(1)].

The pet deposit is not part of the rent payable by the resident [24 CFR 5.318(d)(5)].

The pet owner must pay at least $50.00 for a dog or a cat, and $25.00 for a bird or fish, of the pet deposit at the time the pet is brought on the premises. The remainder of the deposit may be paid in the amount of $10.00 per month until the balance has been paid in full.

Refund of Deposit [24 CFR 5.318(d)(1)]

RRHA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the costs of repairs and replacements to, and fumigation of, the tenant's dwelling unit. RRHA will refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the project or no longer owns or keeps a pet in the unit.

RRHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

RRHA will provide the resident with a written list of any charges against the pet deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, RRHA will provide a meeting to discuss the charges.

10-III.C. OTHER CHARGES

Pet-Related Damages During Occupancy

All reasonable expenses incurred by RRHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit
- Fumigation of the dwelling unit
- Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

A separate pet waste removal charge of $10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, RRHA may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for pet waste removal are not part of rent payable by the resident.

PART IV: PET DEPOSITS AND FEES IN GENERAL OCCUPANCY DEVELOPMENTS

10-IV.A. OVERVIEW

This part describes RRHA's policies for pet deposits and fees for those who reside in general occupancy developments.

10-IV.B. PET DEPOSITS

RRHA may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered [24 CFR 960.707(b)(1)].

A PHA that requires a resident to pay a pet deposit must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. RRHA will comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements [24 CFR 960.707(d)].

Payment of Deposit

Pet owners are required to pay a pet deposit of $300 for a dog or a cat, and $75.00 for a bird or a fish aquarium, in addition to any other required deposits. The deposit must be paid in full before the pet is brought on the premises.

The pet deposit is not part of rent payable by the resident.

Refund of Deposit

RRHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

RRHA will provide the resident with a written list of any charges against the pet deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, RRHA will provide a meeting to discuss the charges.

10-IV.C. NON-REFUNDABLE NOMINAL PET FEE

RRHA requires pet owners to pay a non-refundable nominal pet fee.

This fee is intended to cover the reasonable operating costs to the project relating to the presence of pets. Reasonable operating costs to the project relating to the presence of pets include, but are not limited to:

- Landscaping costs
- Pest control costs
- Insurance costs
- Clean-up costs

The pet fee of $10.00 will be billed on a monthly basis, and payment will be due 14 calendar days after billing.

Charges for the non-refundable pet fee are not part of rent payable by the resident.

10-IV.D. OTHER CHARGES

Pet-Related Damages During Occupancy

All reasonable expenses incurred by RRHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit
- Fumigation of the dwelling unit
- Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage are not part of rent payable by the resident.

Pet Waste Removal Charge

The regulations do not address RRHA’s ability to impose charges for house pet rule violations. However, charges for violation of RRHA pet rules may be treated like charges for other violations of the lease and RRHA tenancy rules.

A separate pet waste removal charge of $10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Such charges will be due and payable 14 calendar days after billing. Charges for pet waste removal are not part of rent payable by the resident.

Attachment L: PHA Plan Element – Substantial Deviation and Significant Amendment/Modification

RRHA defines the following criteria for substantial deviations and significant amendments/modifications:

1. Discretionary changes in the plans or policies of the housing authority that fundamentally change the mission, goals, objectives, or plans of the agency and which require formal approval of the Board of Commissioners.
2. Revisions to the following policies: rent, screening and admission, or organization of the waiting list.

An exception to this definition will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements; HUD does not consider such changes to be significant amendments.