



MUSCATINE MUNICIPAL HOUSING AGENCY

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MEMORANDUM

TO: Gregg Mandsager, City Administrator

FROM: Dick Yerington, Housing Administrator

DATE: September 30, 2011

RE: Resolution to approve changes to the Muscatine Municipal Housing Agency's Public Housing Admissions & Continued Occupancy Policy (ACOP)

INTRODUCTION: Certain modifications and revisions have been proposed to the Muscatine Municipal Housing Agency (MMHA) Public Housing Admissions & Continued Occupancy Policy (ACOP).

BACKGROUND: Staff has reviewed federal regulations and HUD recommendations and is now recommending changes that will allow MMHA to better serve our residents.

RECOMMENDATION / RATIONALE: It is recommended that City Council approve and authorize changes as recommended.

BACKUP INFORMATION: Attached revision general list of changes
Attached 13 pages of changes as recommended.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING CHANGES TO
THE MUSCATINE MUNICIPAL HOUSING AGENCY
PUBLIC HOUSING ADMISSIONS & CONTINUED OCCUPANCY POLICY**

- WHEREAS,** the Public Housing Admissions & Continued Occupancy Policy (ACOP) needs to be updated in order to fully comply with federal regulatory requirements; and,
- WHEREAS,** staff has reviewed all federal regulatory requirements and HUD recommendations and has made recommendations for updating the ACOP; and,
- WHEREAS,** the ACOP updates have been completed by the Housing Administrator; and,
- WHEREAS,** the city council, acting as the Muscatine Public Housing Agency Board of Commissioners must, authorize and approve all policy changes to the Public Housing Admissions & Continued Occupancy Policy.
- NOW THEREFORE, BE IT RESOLVED,** the City of Muscatine hereby approves and authorizes policy changes to the Public Housing Admissions & Continued Occupancy Policy.

MOVED, PASSED, AND ADOPTED this 6th day of October 2011.

**BY THE CITY COUNCIL OF
THE CITY OF MUSCATINE, IA**

RICHARD O'BRIEN, MAYOR
CITY OF MUSCATINE, IOWA

ATTEST:

GREGG MANDSAGER, CITY CLERK
CITY OF MUSCATINE, IOWA

PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY

10/6/2011 UPDATE

STRIKE-THROUGH AREAS REMOVED FROM PLAN / BLACK TYPE HAS BEEN ADDED

Introduction **ABOUT THE MODEL ACOP**

Pages 1-V

Notice PIH 2007-27 (HA), Disallowed Costs and Sanctions Resulting from On-Site Monitoring Reviews

<http://www.hud.gov/offices/pih/publications/notices/07/pih2007-27.pdf>

Notice PIH 2010-3, Verification of Social Security Numbers (SSNs) and Supplemental Security Income (SSI) Benefits

<http://www.hud.gov/offices/pih/publications/notices/10/pih2010-3.pdf>

Notice PIH 2010-19, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System

<http://www.hud.gov/offices/pih/publications/notices/10/pih2010-19.pdf>

Notice PIH 2010-26 (HA), Nondiscrimination and Accessibility Notice

<http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf>

OMB Circular A-133

http://www.whitehouse.gov/omb/circulars/a133/compliance/supplement_2010<http://www.whitehouse.gov/omb/circulars/a133/a133.html>

~~PIH Notice 2002-01 (HA), Accessibility Notice~~

~~<http://www.hud.gov/offices/pih/publications/notices/02/pih2002-1.pdf>~~

~~PIH Notice 2005-7 (HA), Rental Integrity Monitoring (RIM) Disallowed Costs and Sanctions Under the Rental Housing Integrity Improvement Project (RHIP) Initiative~~

~~<http://www.hud.gov/offices/pih/publications/notices/05/pih2005-7.pdf>~~

~~PIH Notice 2006-13 (HA), Non-Discrimination and Accessibility for Persons with Disabilities~~

~~<http://www.hud.gov/offices/pih/publications/notices/06/pih2006-13.pdf>~~

~~PIH Notice 2006-23 (HA), Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005~~

~~www.hud.gov/offices/pih/publications/notices/06/pih2006-23.pdf~~

~~PIH Notices (archive)~~

~~<http://www.hud.gov/offices/pih/publications/notices/>~~

Public Housing Occupancy Guidebook, June 2003

www.hud.gov/offices/pih/programs/ph/rhiip/phguidebook.cfm

Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions

www.hud.gov/offices/pih/programs/ph/rhiip/faq.cfm

VAWA Final Rule

<http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf>

Verification FAQs

www.hud.gov/offices/pih/programs/ph/rhiip/faq_verif.cfm

Verification Guidance, March 2004 (attachment to Notice PIH 2004-1)

<http://www.hud.gov/offices/pih/publications/notices/04/verifguidance.pdf>

The HUD Web site is <http://www.hud.gov/index.html>.

Guidebooks, handbooks, and other HUD resources may be found at the HUDClips Web site:

<http://www.hud.gov/offices/adm/hudclips/>.

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

Page 10

In the event that the PHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, the PHA will dispose of it. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

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Notice PIH 2010-26]

undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of the PHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, ~~the financial resources of the PHA at the time of the request, the benefits that the accommodation would provide to the family,~~ and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

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Notice PIH 2010-26 contains specific information on calculating the percentages of units for meeting UFAS requirements.

Chapter 3

ELIGIBILITY

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The notice will explain the reasons for the denial of assistance and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the PHA. The informal hearing with the PHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process. Informal hearing procedures are contained in Chapter 14.

Chapter 5

OCCUPANCY STANDARDS AND UNIT OFFERS

Page 6

~~Inaccessibility to source of employment, education, or job training, children's day~~

~~care, or educational program for children with disabilities, so~~ The family demonstrates to the PHA's satisfaction that accepting the unit offer ~~would~~ will require ~~the~~ an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP.

Chapter 8

LEASING AND INSPECTIONS

Page 2

Information about the protections afforded by the Violence against Women Act of 2005 (VAWA) to victims of domestic violence, dating violence, and stalking (see section 16-VII.C)

VAWA protections

Page 11

Annual Inspections [24 CFR 5.705]

~~Under the Public Housing Assessment System (PHAS), t~~The PHA is required to inspect all occupied units annually using ~~HUD's~~ HUD's Uniform Physical Condition Standards (UPCS). Under the Public Housing Assessment System (PHAS), HUD's physical condition inspections do not relieve the PHA of this responsibility to inspect its units [24 CFR 902.20(d)]. ~~[24 CFR 902.43(a)(4)]~~.

Chapter 12

TRANSFER POLICY

Page 8

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

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The PHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP.

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The family demonstrates to the PHA's satisfaction ~~Inaccessibility to source of employment, education, or job training, children's day care, or an educational program for children with disabilities, so~~ or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP

Chapter 13

LEASE TERMINATIONS

13-III.F. ~~PROHIBITION AGAINST TERMINATING~~ONS RELATED TO ~~TENANCY OF VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND OR STALKING~~ [24 CFR 5.2005]

This section addresses the protections against termination of tenancy that the Violence against Women Act of 2005 (VAWA) provides for public housing residents who are victims of domestic violence, dating violence, or stalking. For general VAWA requirements and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-VII of this ACOP, where definitions of key VAWA terms are also located.

VAWA Protections against Termination [24 CFR 5.2005(c)]

~~The Violence against Women Reauthorization Act of 2005 (VAWA)~~, provides that ““criminal activity directly ~~relating~~-related to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination ~~on of~~ of the tenancy ~~of~~, or occupancy rights of, or assistance to the victim, if the tenant or immediate family member of the tenant’s ~~family~~ is the victim ~~or threatened victim of that abuse.~~” [24 CFR 5.2005(c)(2)].

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

Definitions

~~For the definitions of domestic violence, dating violence, stalking, and immediate family member, see section 3-III.F.~~

VAWA and Other Laws [24 CFR 5.2009, 24 CFR 5.2005(d)]

~~VAWA does not supersede any other federal, state, or local law that provides greater protection to victims of domestic violence, dating violence, or stalking. Moreover, VAWA does not limit the PHA’s duty to honor court orders issued to protect a victim or to address the distribution of property when a family breaks up.~~

Limits on VAWA Protections [24 CFR 5.2005(bd), 24 CFR 5.2005 and (e)]

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

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

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

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Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, **transferring** the victim to another unit, or seeking a legal remedy to prevent the perpetrator

from acting on the threat

If the tenant wishes to contest the PHA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Victim Notification [Notice PIH 2006-42]

VAWA requires PHAs to notify tenants of their rights under VAWA and to inform them about the existence of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. (For general VAWA notification policies, see section 16-VII.) Notice PIH 2006-42 identifies two ways that a PHA may fulfill this requirement in the event of a termination or start of an eviction proceeding:

- ☐ It may enclose the form with the termination or eviction notice and direct the family to complete, sign, and return the form, if applicable, by a specified date.

- ☐ It may include language discussing the protections provided by VAWA in the termination or eviction notice and request that a tenant come to the PHA office and pick up the form if the tenant believes the VAWA protections apply.

Notice PIH 2006-42 points out that mailing the certification form in response to an incident could place the victim at risk, since the abuser may be monitoring the mail. In such cases, the notice recommends that PHAs work with tenants to make other delivery arrangements.

PHA Policy

The PHA will follow the lease termination notice policy in section 13-IV.D. If the PHA has reason to suspect that the notice might place a victim of domestic violence at risk, it will attempt to deliver the notice by hand directly to the victim. The PHA will use the same caution if it decides to deliver VAWA information to a victim at any other time following an incident of domestic violence.

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Victim Documentation [Notice PIH 2006-42] of Abuse [24 CFR 5.2007]

VAWA authorizes PHAs responding to incidents of actual or threatened domestic violence, dating violence, or stalking to request in writing that a tenant complete, sign, and submit a HUD approved certification form (form HUD-50066).

In lieu of a certification form, or in addition to the certification form, a tenant may provide one of the following:

- ☐ A federal, state, tribal, territorial, or local police or court record documenting the domestic violence, dating violence, or stalking

- ☐ Documentation signed by an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of such abuse, in which the professional attests under penalty of perjury to the professional's belief that the incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation

A PHA is not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence, or stalking in order to receive the protections of VAWA. A PHA may, at its discretion, provide assistance to an individual based solely upon the individual's statement or other corroborating evidence.

VAWA specifies that a victim of domestic violence, dating violence, or stalking must provide documentation of abuse within 14 business days after receipt of a written request for such

~~documentation by a PHA. If the victim does not provide the documentation within that time frame, or any extension approved by the PHA, the victim forfeits the protections against termination afforded by VAWA, and the PHA is free to evict or terminate the assistance of the victim in accordance with otherwise applicable law and lease provisions.~~

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PHA Policy

When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, or stalking claims protection under VAWA, the PHA will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-VII.D of this ACOP.

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

~~When a tenant family is facing lease termination because of the actions of a tenant, household member, guest, or other person under the tenant's control and a tenant or immediate family member of the tenant's family claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, or stalking, the PHA will request in writing that the individual submit documentation affirming that claim. The written request will include explicit instructions on where, when, and to whom the documentation must be submitted. It will also state the consequences for failure to submit the documentation by the deadline.~~

~~The documentation will consist of a completed and signed form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking. In lieu of the certification form, the PHA will accept either of the following forms of documentation:~~

~~A police or court record documenting the actual or threatened abuse~~

~~Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.~~

~~The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice.~~

~~The individual claiming victim status must submit the requested documentation within 14 business days after receipt of the PHA's written request or must request an extension within that time frame. The PHA may, at its discretion, extend the deadline for 10 business days.~~

~~If the individual provides the requested documentation within 14 business days, or any PHA-approved extension, the PHA will reconsider its termination decision in light of the documentation.~~

~~If the individual does not provide the requested documentation within 14 business days, or any PHA-approved extension, the PHA will proceed with termination of the family's lease in accordance with applicable local, state, and federal law and the policies in this ACOP.~~

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PHA Confidentiality Requirements [24 CFR 5.2007(a)(1)(v)]

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

PHA Policy

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

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The PHA will attempt to deliver notices of lease termination directly to the tenant or an adult member of the household. ~~(For terminations related to domestic violence, see also the policy under "Victim Notification" in section 13-III.F.)~~ If such attempt fails, the notice will be sent by first-class mail the same day.

All notices of lease termination will include a statement of information about the protection against termination provided by the Violence against Women Reauthorization Act of 2005 (VAWA) for victims of domestic violence, dating violence, or stalking (see section 16-VII.C). ~~They will also include a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking.~~ Any family member who claims that the cause for termination involves (a) criminal acts of physical violence against family members or others or (b) incidents of domestic violence, dating violence, or stalking of which a family member is the victim will be given the opportunity to provide documentation in accordance with the policies in sections 13-III.F and 16-VII.D.

Chapter 16

PROGRAM ADMINISTRATION

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Indicator 1: Physical condition of the PHA's ~~properties~~ projects

Maximum Score: ~~30~~ 40

- ☐ The objective of this indicator is to determine the level to which a PHA is maintaining its public housing in accordance with the standard of decent, safe, sanitary, and in good repair.
- ☐ To determine the physical condition of a PHA's ~~properties~~ projects, inspections are performed of the following five major areas of each public housing project: site, building exterior, building systems, dwelling units, and common areas. The inspections are performed by an independent inspector arranged by HUD, and include a statistically valid sample of the units in each project in the PHA's public housing portfolio.

Indicator 2: Financial condition of ~~a~~ the PHA's ~~properties~~ projects

Maximum Score: ~~30~~ 25

- ☐ The objective of this indicator is to measure the financial condition of ~~a~~ the PHA's public housing projects for the purpose of evaluating whether ~~it~~ the PHA has sufficient financial resources and is capable of managing those financial resources effectively to support the

provision of housing that is decent, safe, sanitary, and in good repair.

□ A PHA's financial condition is determined by measuring ~~the PHA's entity-wide~~ each public housing project's performance in each of the following ~~component~~ subindicators: ~~current~~ quick ratio, ~~number of~~ months expendable ~~fund~~ net ~~balance~~ assets ratio, ~~tenant receivable outstanding, occupancy loss, expense management/utility consumption, and net income or loss divided by the expendable fund balance~~ debt service coverage ratio.

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Indicator 3: Management operations of a the PHA's projects

Maximum Score: 3025

□ The objective of this indicator is to measure certain key management operations and responsibilities of a PHA's projects for the purpose of assessing the PHA's management operations capabilities.

□ ~~A PHA~~ Each project's management operations are assessed based on the following subindicators:

~~vacant unit turnaround time~~ occupancy, ~~capital fund, work orders~~ tenant accounts receivable, ~~PHA annual inspection of units and systems, security,~~ and ~~economic self-sufficiency~~ accounts payable.

□ An on-site management review may be conducted as a diagnostic and feedback tool for problem performance areas, and for compliance. Management reviews are not scored.

Indicator 4: Resident service and satisfactionCapital Fund

Maximum Score: 10

□ The objective of this indicator is to measure ~~the level of resident satisfaction with living conditions at the PHA~~ how long it takes the PHA to obligate capital funds and to occupy units.

□ The PHA's score for this indicator is ~~based on the results of resident surveys and the level of implementation and follow-up or corrective actions the PHA takes based on the results of the survey~~ measured at the PHA level and is based on the following subindicators: timeliness of fund obligation and occupancy rate.

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16-IV.C. PHAS SCORING [24 CFR 902.63 and 902.67 Subpart F]

HUD's Real Estate Assessment Center (REAC) issues overall PHAS scores, which are based on the scores of the four PHAS indicators, and the ~~components~~ subindicators under each indicator. The PHA's indicator scores are based on a weighted average of the PHA's public housing projects' scores. PHAS scores translate into a designation for each PHA as high performing, standard, substandard, or troubled.

A high performer is a PHA that achieves an overall PHAS score of 90 or greater, and achieves a score of at least 60 percent of the points available under the physical, financial, and management indicators and at least 50 percent of the points available under the capital fund indicator. ~~each of the four indicators, and achieves an overall PHAS score of 90 or greater.~~

A standard performer is a PHA that has an overall PHAS score between 60 and 89, and achieves a score of at least 60 percent of the points available under the physical, financial, and management indicators and at least 50 percent of the points available under the capital fund indicator. ~~does not achieve less than 60 percent of the total points available under one of the following Indicators: 1, 2, or 3.~~

A substandard performer is a PHA that has an overall PHAS score of at least 60 percent and achieves a score of less than 60 percent under one or more of the physical, financial, or

management indicators.

A troubled performer is a PHA that achieves an overall PHAS score of less than 60, or achieves less than ~~60-50~~ percent of the total points available under ~~more than one of the following indicators: 1, 2, or 3~~ **the capital fund indicator.**

These designations can affect a PHA in several ways:

- ☐ High-performing PHAs are eligible for incentives including relief from specific HUD requirements and bonus points in funding competitions [24 CFR 902.71].
- ☐ PHAs that are standard performers may be required to submit and operate under a corrective action plan ~~an improvement plan~~ to eliminate deficiencies in the PHA's performance [24 CFR 902.73(a)(1)].
- ☐ PHAs that are substandard performers will be required to submit and operate under a corrective action plan to eliminate deficiencies in the PHA's performance [24 CFR 902.73(a)(2)].
- ☐ PHAs with an overall rating of "troubled" are subject to additional HUD oversight, and are required to enter into a memorandum of agreement (MOA) with HUD to improve PHA performance [24 CFR 902.75].
- ☐ PHAs that fail to execute or meet MOA requirements may be referred to the ~~Departmental Enforcement Center~~ Assistant Secretary to determine remedial actions, including, but not limited to, remedies available for substantial default [24 CFR 902.7775(g) and 24 CFR Part 907].

PHAs must post a notice of its final PHAS score and status in appropriate conspicuous and accessible locations in its offices within two weeks of receipt of its final score and ~~status~~ designation [24 CFR 902.64(b)(2)].

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Domestic Violence, Dating Violence, or Stalking Records

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

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~~PART VII: NOTIFICATION TO APPLICANTS AND TENANTS~~

~~REGARDING PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN~~

~~REAUTHORIZATION ACT OF 2005 (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY~~

16-VII.A. OVERVIEW

The Violence against Women ~~Reauthorization~~ Act of 2005 (VAWA) provides special protections for victims of domestic violence, dating violence, and stalking who are applying for or receiving assistance under the public housing program. If your state or local laws provide greater protection for such victims, those laws take precedence over VAWA.

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

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

As used in VAWA:

- ☐ The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a

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

□ The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

□ The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

□ The term *immediate family member* means, with respect to a person:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage.

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□ The term *stalking* means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
- To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
- In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

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

Notification to Public

~~requires PHAs to inform public housing tenants of their rights under this law, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as tenants, PHAs may elect to provide the same information to applicants [24 CFR 5.2007(3)].~~

~~This part describes the steps that t~~The PHA ~~will take~~adopts the following policy to help ensure that all actual and potential beneficiaries of its public housing program are ~~notified~~aware ~~of about~~their rights under VAWA.

16-VII.B. VAWA NOTIFICATION

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~~16-VII.C. NOTIFICATION~~Notification to ~~TO APPLICANTS~~Applicants and Tenants [24 CFR 5.2005(a)(1)]

PHAs are required to inform public housing tenants of their rights under VAWA, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as tenants, PHAs may elect to provide the same information to applicants.

PHA Policy

The PHA will provide all applicants with ~~notification of their protections and rights under~~ information about VAWA at the time they request an application for housing assistance.

The PHA will also include such information in all notices of denial of assistance (see section 3-III.F).

~~The notice will explain the protections afforded under the law, inform each applicant of PHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.~~

~~The PHA will also include in all notices of denial a statement explaining the protection against denial provided by VAWA (see section 3-III.F).~~

16-VII.D. NOTIFICATION TO TENANTS [24 CFR 5.2007(3)]

~~VAWA requires PHAs to notify tenants assisted under public housing of their rights under this law, including their right to confidentiality and the limits thereof.~~

PHA Policy

The PHA will provide all tenants with ~~notification of their protections and rights under~~ **information about VAWA at the time of admission (see section 8-I.B)** and at annual reexamination. The PHA will also include such information in all lease termination notices (see section 13-IV.D).

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

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

PHA Policy

Whenever the PHA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim.

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~~The notice will explain the protections afforded under the law, inform the tenant of PHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.~~

~~The PHA will also include in all lease termination notices a statement explaining the protection against termination or eviction provided by VAWA (see Section 13-IV.D).~~**16-VII.D.**

DOCUMENTATION [24 CFR 5.2007]

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

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

(1) A completed and signed HUD-approved certification form (HUD-50066, Certification of

Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator

(2) A federal, state, tribal, territorial, or local police report or court record

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

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

PHA Policy

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

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and

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3). The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

PHA Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, the PHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

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

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

PHA Policy

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

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

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

as the PHA may allow, the PHA may deny relief for protection under VAWA.

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

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

PHA Policy

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

**Muscatine Municipal Housing Agency Administrative Policy for
Substantial Deviation & Significant Amendment**

~~A change to the Capital Fund Program 5-year Action Plan involving the addition of a new, non-emergency work item that costs in excess of 50% of the yearly grant amount. (A new work item is one that does not already appear in another approved Annual Statement for an open CFP or the current CFP Five-Year Action Plan.)~~

Capital Fund Budget Revisions will not be considered substantial deviations as long as they are for allowable work items.

~~A change to a Capital Fund Program Annual Statement (budget) involving the addition of a new, non-emergency work item that costs in excess of 50% of the grant. (A new work item is one that does not already appear in another approved Annual Statement for an open CFP or the current CFP Five-Year Action Plan.)~~

Capital Fund Budget Revisions will not be considered substantial deviations as long as they are for allowable work items.

Revision Instructions – 6/1/11 Revision to Model ACOP

Remove Pages	Insert Pages	Changes Made in ACOP
Title Page	Title page	Added new revision date
Entire TOC	Entire TOC	TOC updated
Intro-v/vi	Intro-v/vi	Updated Document and Location table
2-3/4	2-3/4	Reworded VAWA title (next to last bullet on 2-3)
2-9 thru 2-14	2-9 thru 2-14	Added additional bullet to 2-II.D. (2-10); added reference to 2-II.E. title, revised 2 nd paragraph (2-11); updated PIH Notice references (2-13) for accessibility notice, Notice PIH 2010-26
3-3/4	3-3/4	Text revisions in default policy, 3-I.C., Family Breakup (3-4) for VAWA final rule
3-17 thru 3-22	3-17 thru 3-22	Capitalization corrected in heading (top of 3-17); Text revisions in 3-III.A. (3-19) for VAWA final rule and 3-III.C. (3-21) for PHAS interim rule
3-31 thru 3-38	3-31 thru 3-34	3-III.F. rewritten to incorporate the provisions of the VAWA final rule that became effective November 26, 2010; repaginated page 3-31 through 3-34.
5-5 thru 5-8	5-5 thru 5-8	Text revisions in 5-II.D. <u>PHA Policy</u> (5-6) for VAWA final rule; capitalization corrected in heading Unit Refusal without Good Cause (5-7).
8-1/2	8-1/2	Added text to 8-I.B. in Orientation Agenda (8-2) for VAWA final rule
8-11/12	8-11/12	Added reference to Annual Inspections heading, and revised related text (bottom of 8-11) for PHAS interim rule
12-7 thru 12-12	12-7 thru 12-12	<u>PHA Policy</u> updated in 12-III.C. (12-8), 12-III.F. (12-10), and 12-IV.D. (12-12) for VAWA final rule
13-7/8	13-7/8	Definition citations revised in 13-III.B. (13-8)
13-11 thru 13-14	13-11 thru 13-14	Reference updated (13-12); VAWA title revised and citation added (13-14)
13-19 thru 13-32	13-19 thru 13-28	13-III.F. completely revised (13-20 thru 13-22); text revisions in 13-IV.D. <u>PHA Policy</u> (now on 13-25); repaginated pp. 13-20 through 13-28, all for VAWA final rule
14-3/4	14-3/4	Revised text of <u>PHA Policy</u> in Scheduling an Informal Hearing (14-3) for clarity
16-1/2	16-1/2	Revised Part VII description (16-1) for VAWA additions
16-15 thru 16-22	16-15 thru 16-22	Table of PHAS Indicator scores updated (16-15/16) for PHAS interim rule; 16-IV.C. PHAS SCORING updated (16-17) for PHAS interim rule; Minor text revision in 16-V.B. <u>PHA Policy</u> (16-19) for clarity; Added new heading Domestic Violence, Dating Violence, or Stalking Records and related text (bottom of 16-21) for VAWA final rule
16-25 thru 16-30	16-25 thru 16-34	PART VII completely revised (16-25 thru 16-30) for VAWA final rule; “RESIDENTS” changed to “TENANTS” in Exhibit 16-1 heading (now on 16-31); text of heading and first paragraph revised (top of 16-32); repaginated pages 16-25 thru 16-34