

**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 (SEM-AP) 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 SEM-AP 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 SEM-AP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEM-AP 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 SEM-AP troubled.

**A. PHA Information.**

A.1 PHA Name: LaSalle County PHA Code: IL014  
 PHA Type:  Small  High Performer  
 PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/01/2021  
 PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  
 Number of Public Housing (PH) Units 948 Number of Housing Choice Vouchers (HCV's) 550  
 Total Combined 1498  
 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. **Complete PHA Plans documents are available at the Administrative office located at 526 East Norris Dr. Ottawa, IL 61350, at all Amp site offices, and on the PHA's website Halco.org. Copies are also distributed to all Resident Advisory Board Members.**

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	
			PH	HCV
Lead PHA:				

B. Annual Plan Elements	
<p><b>B.1</b>      <b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last <u>Annual PHA Plan</u> submission?</p> <p>Y    N</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input checked="" type="checkbox"/>   <input type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Safety and Crime Prevention.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Pet Policy.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input checked="" type="checkbox"/>   <input type="checkbox"/> Significant Amendment/Modification</p> <p>(b) The PHA must submit its Deconcentration Policy for Field Office Review. We are not required to do a Deconcentration Policy. We have no projects over 100 units.</p> <p>(c) If the PHA answered yes for any element, describe the revisions for each element below:</p> <p><b>1. Financial Resources are contained in Attachment I.</b></p>	
<p><b>B.2</b>      <b>New Activities.</b></p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y    N</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Mixed Finance Modernization or Development</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Demolition and/or Disposition.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Conversion of Public Housing to Tenant Based Assistance.</p> <p><input checked="" type="checkbox"/>   <input type="checkbox"/> Conversion of Public Housing to Project-Based Assistance under RAD.</p> <p><input checked="" type="checkbox"/>   <input type="checkbox"/> Project Based Vouchers.</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input checked="" type="checkbox"/>   <input type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(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.</p> <p>As per our approved 5-year plan a Demo/Dispo application was submitted to HUD SAC on October 20, 2015 for a stand-alone building being used as a Day Care facility located in Streator Illinois. The PHA plans to resubmit this application.</p> <p>We are working with a developer to do a 60-unit development in Peru, IL called Anthony Place Peru with IHDA. An application has been submitted to IHDA and if approved we anticipate requesting 16 to 20 project base vouchers for the development.</p> <p>We will continue to work with developers to project base up to 20% of our baseline units, in accordance with HOTMA, to expand affordable housing throughout our areas of jurisdiction or other areas with HUD approval.</p> <p>We are planning to reapply to HUD SAC for Disposition/Conversion under RAD for 24 Single Family Scattered Site Public Housing units located throughout LaSalle County.(See Attachments H014e01 and H014f01)</p>	
<p><b>B.3</b>      <b>Progress Report.</b></p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan.</p> <p>We have continued to maintain our occupancy rate above 98% and have reduced our unit turn over time. We have brought up our REAC inspection scores to a level returning us to High Performer Status. We have maintained high utilization rates for the Voucher program. We have completed modernization in our elderly developments and have turned our attention to our family developments which were last done 25 years ago. We have updated all our policies and procedural manuals to bring them in line with regulatory changes. We continue to train staff and keep them up to date on program changes. We have completed a new PNA and Energy Audit in 2016 and are now completing an Energy Performance Contract that was approved by HUD last year. We are working with developers to project base vouchers in newly constructed properties to increase the availability of low-income housing. One such development called Anthony Place Ottawa has recently been completed and is now fully occupied. We have project based 16 units in that development. We have completed the process to make all of our Developments Smoke Free.</p>	

<b>B.4.</b>	<p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?  Y N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>

**Other Document and/or Certification Requirements.**

<b>C.1</b>	<p><b>Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan</b>  Form 50077-ST-HCV-HP, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
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<b>C.2</b>	<p><b>Civil Rights Certification.</b>  Form 50077-ST-HCV-HP, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
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<b>C.3</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?  Y N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>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.</p>
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<b>C.4</b>	<p><b>Certification by State or Local Officials.</b>  Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
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<b>D</b>	<p><b>Statement of Capital Improvements.</b> Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).</p>
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<b>D.1</b>	<p><b>Capital Improvements.</b> 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 approved by HUD on 04/09/2020 in EPIC.</p>
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## Instructions for Preparation of Form HUD-50075-HP Annual Plan for High Performing PHAs

A. PHA Information. All PHAs must complete this section.

A.1 Include the full PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), PHA Inventory, Number of Public Housing Units and or Housing Choice Vouchers (HCV's), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the public hearing and proposed PHA Plan. (24 CFR §903.23/4)(c))

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

B. Annual Plan.

B.1 Revision of PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the "yes" box. If an element has not been revised, mark "no."

**Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA's strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income), (ii) elderly families and families with disabilities, and (iii) households of various races and ethnic groups residing in the jurisdiction or on the waiting list based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. For years in which the PHA's 5-Year PHA Plan is also due, this information must be included only to the extent it pertains to the housing needs of families that are on the PHA's public housing and Section 8 tenant-based assistance waiting lists. 24 CFR §903.7(a)(1) and 24 CFR §903.12(b). Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. For years in which the PHA's 5-Year PHA Plan is also due, this information must be included only to the extent it pertains to the housing needs of families that are on the PHA's public housing and Section 8 tenant-based assistance waiting lists. 24 CFR §903.7(a)(2)(ii) and 24 CFR §903.12(b).

**Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions.** Describe the PHA's admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA's policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. 24 CFR §903.7(b). Describe the PHA's procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists. 24 CFR §903.7(b). A statement of the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. 24 CFR §903.7(b). Describe the unit assignment policies for public housing. 24 CFR §903.7(b).

**Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(e))

**Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. (24 CFR §903.7(d))

**Homeownership Programs.** A description of any homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. For years in which the PHA's 5-Year PHA Plan is also due, this information must be included only to the extent that the PHA participates in homeownership programs under section 8(v) of the 1937 Act. (24 CFR §903.7(k) and 24 CFR §903.12(b)).

**Safety and Crime Prevention (VAWA).** A description of: 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 a PHA 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 a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. (24 CFR §903.7(m)(5))

**Pet Policy.** Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing. (24 CFR §903.7(n))

**Substantial Deviation.** PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

**Significant Amendment/Modification.** PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan. Should the PHA fail to define "significant amendment/modification", HUD will consider the following to be "significant amendments or modifications": a) changes to rent or admissions policies or organization of the waiting list; b) additions of non-emergency public housing CFP work items (items not included in the current CFP Annual Statement or CFP 5-Year Action Plan); or c) any change with regard to demolition or disposition, designation, homeownership programs or conversion activities. See guidance on HUD's website at: Notice PIH 1999-51. (24 CFR §903.7(r)(2)(ii))

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2. (24 CFR §903.23(b))

**B.2 New Activities.** If the PHA intends to undertake any new activities related to these elements or discretionary policies in the current Fiscal Year, mark "yes" for those elements, and describe the activities in the space provided. If the PHA does not plan to undertake these activities, mark "no."

**Hope VI.** 1) A description of any housing (including project name, number (if known) and unit count) for which the PHA will apply for HOPE VI; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/pih/hopec/index.cfm>. (Notice PIH 2010-30)

**Mixed Finance Modernization or Development.** 1) A description of any housing (including name, project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Mixed Finance Modernization or Development is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/pih/hopec/index.cfm>. (Notice PIH 2010-30)

**Demolition and/or Disposition.** Describe any public housing projects owned by the PHA and subject to ACCs (including name, project number and unit numbers for address(es)), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. This statement must be submitted to the extent that approved

and/or pending demolition and/or disposition has changed. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: [http://www.hud.gov/offices/nih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/nih/centers/sac/demo_dispo/index.cfm). (24 CFR §903.7(h))

**Conversion of Public Housing.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/nih/centers/sac/conversion.cfm>. (24 CFR §903.7(i))

**Project-Based Vouchers.** Describe any plans to use HCVs for new project-based vouchers. (24 CFR §983.57(b)(1)) If using project-based vouchers, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.

**Other Capital Grant Programs** (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

**B3 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. (24 CFR §903.7(c)(1))

**B4 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided. (24 CFR §903.7(d))

**C. Other Document and/or Certification Requirements**

**C1 Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.** Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 SM-HP.

**C2 Civil Rights Certification.** Form HUD-50077 SM-HP, *PHA Certifications of Compliance with the PHA Plans and Related Regulation*, must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the AFPH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(e))

**C3 Resident Advisory Board (RAB) comments.** If the RAB provided comments to the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. (24 CFR §903.13(c), 24 CFR §903.19)

**C4 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. (24 CFR §903.15)

**D. Statement of Capital Improvements.** PHAs that receive funding from the Capital Fund Program (CFP) must complete this section. (24 CFR 903.7(g))

**D1 Capital Improvements.** In order to comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan. PHAs can reference the form by including the following language in Section C. 8.0 of the PHA Plan Template: "See HUD Form 50075.2 approved by HUD on XXXXX/XXXX."

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.

# ATTACHMENT A

## ADVISORY BOARD RECOMMENDATIONS

Because of COVID this year in person meetings were not held. Initial rough draft copies of the Authority's 2020-2024 Five Year Plan, 2021 PHA Annual Plan, 2021 CFP Annual Statement and 2021 thru 2025 CFP Five Year Plan were sent to all Advisory Board members in October 2020. Members would discuss the Plans at their individual resident meetings and submit any comments, recommendations or changes to the Executive Director.

In January 2021 a final draft of all documents was sent to the Members with a request for any further comments or suggestions. Members had no comments or changes to the Plan. It was decided that the plan would be submitted as proposed.





# Attachment B

## Significant Amendment

**Significant Amendment:** Discretionary changes in the plans or policies of the Authority that fundamentally change the missions, goals, objectives or plans of the agency and which require the formal approval through resolution by the Board of Commissioners.

**Substantial Deviation:** Discretionary changes in the plans or policies of the Authority that fundamentally change the mission, goals, objectives or plans of the agency which do not require the formal approval through resolution by the Board of Commissioners. Changes to the Capital Fund Annual Statement and Five Year Action Plan as allowed through fungibility. Non-Discretionary changes required by regulation or law.



# ATTACHMENT C

## Carbon Monoxide Certification

The Housing Authority for LaSalle County has installed carbon monoxide detectors in all its units that fall under the Illinois Carbon Monoxide Alarm Detector Act.



# ATTACHMENT D

## Challenged Elements

The Authority held several tenant meetings throughout the planning process and a Public Hearing on March 10, 2021. There were no Challenged Elements to the Plan during any of these processes.



## 2019 AGENCY PLAN

### ATTACHMENT E

#### Section C.1 New Activities

**(b) Conversion under RAD** – HALC will convert all Single Family Scattered Site Public Housing units under the Rental Assistance Demonstration (RAD) Program and transfer the assistance to an existing Low Income Housing Tax Credit property located in Streator, Illinois.. Detailed RAD information is found in Attachment 2.

**(c) Project Based Vouchers** – HALC may project based up to 20% of its total voucher allocation to support new housing development throughout LaSalle County.. This is consistent with the PHA Plan as it will assist in maximizing HCV lease up and improving quality of housing. Currently, it is difficult for tenant based voucher holders to locate rental units within the payment standards and/or that comply with HQS.

#### **(d) Deconcentration of Poverty**

It is the policy of the Housing Authority to provide for deconcentration of poverty and income mixing by targeting higher income tenants into areas where lower income residents reside and lower income tenants into areas where higher income residents reside.

HALC shall conduct an annual analysis of the incomes of the families residing in the Public Housing developments to determine the established income range (EIR). The income analysis shall be conducted as follows:

- **Step 1** - HALC shall determine the average household income for both developments by taking the aggregate total of all household income and dividing by the total occupied households.
- **Step 2** - HALC shall then determine the average income of each development by taking the total of all household income in that development and dividing by the total occupied units in that development.
- **Step 3** – The established income range (EIR) shall be calculated as 85% to 115% of the aggregate average household income for both developments.
- **Step 4** – The average household income for each development shall then be compared to the EIR to determine if the development is low income or high income.

The EIR will determine if additional income mixing strategies need to be developed and implemented.





**2019 AGENCY PLAN  
ATTACHMENT F**

**RAD INFORMATION**

**RENTAL ASSISTANCE DEMONSTRATION**

The Housing Authority of LaSalle County (HALC) intends to submit an application for the Rental Assistance Demonstration (RAD) program. As a result, HALC will be converting the Single Family Scattered Site Housing units to Project Based Vouchers under the guidelines of PIH Notice 2012-32, REV-2 and any successor Notices. Upon conversion to Project Based Vouchers, the Authority will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6C and 1.6D of PIH Notice 2012-32. These residents' rights, participation, waiting list and grievance procedures are appended to this attachment. Additionally, the HALC is currently compliant with all Fair Housing and Civil Rights requirements and is not under a Voluntary Compliance Agreement.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing HALC with access to private sources of capital to repair and preserve its affordable housing assets. Upon conversion, the Authority's Capital Fund budget will be reduced by the pro-rata share of Public Housing Developments converted as part of the demonstration and that HALC may also borrow fund to address their capital needs.

Below please find the specific information related to the Public Housing Development selected for RAD:

Following is specific information related to the Public Housing Developments selected for RAD:

Development #1			
Name of PH Development:	Conversion Type:	EPC: No	Transfer of Assistance (if yes, put the location if known:
<b>Single Family Scattered sites</b>	<b>PBV</b>	<b>N/A</b>	<b>YES</b>
Total Units:	Pre-RAD Unit Type (Family, Senior, etc.):	Post-RAD Unit Type if different (Family, Senior, etc.)	Capital Fund Allocation of Development (annual Cap Fund grant divided by total number of public housing units in PHA, multiplied by total number of units in project):
<b>24</b>	<b>FAMILY</b>	<b>SENIOR DISABLED</b>	<b>\$17,038.08</b>

Bedroom Type	Number of Units Pre-Conversion	Number of Units Post-Conversion	Change in Number of Units and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations,)
Studio/Efficiency			0
1 Bedroom		24	24
2 Bedroom			0
3 Bedroom	3		3
4 Bedroom	21		21
5 Bedroom			0
6 Bedroom			0
If performing a Transfer of Assistance, explain how transferring waiting list.	Applicants on the single family waiting list will be provided a preference for any other waiting lists to which they choose to apply.		
Identification and obligation status of public housing funds	Public Housing Operating Subsidy and Capital Funds will be utilized to fund the first calendar year of RAD HAP subsidy pursuant to the Initial Year Funding tool applicable at the time of the RAD closing. Any additional public housing funds will remain with the central office building.		
Evidence of consultation with residents	Attached is documentation of consultation with Residents regarding the RAD program outlined in the Agency Plan.		
Description of PHA's proposed future use of the development	HALC will dispose of the single family scattered site units through a public bid process and sales proceeds will be used to fund the RAD replacement reserve. Any homes not sold through public bid will be demolished and the vacant land will remain for sale.		
Relocation Plan	All residents will be provided with the option of other LaSalle County public housing units or a Housing Choice Voucher from the current program allocation.		
Choice Mobility	After one year residing in the RAD unit, a family may apply for a Choice Mobility voucher. HALC will create a waiting list for RAD Choice Mobility applicants based on date of application. A tenant based voucher will be made available to the Choice Mobility applicants when one becomes available through normal program turnover. HALC will limit the Choice Mobility vouchers to 75% of annual turnover vouchers.		

The current public housing units are in very poor condition and are not financially feasible to rehabilitate. The RAD Program will transfer the HALC Single Family Scattered Site Public Housing units to a Low Income Housing Tax Credit property which is in very good condition. HALC is currently working with a tax credit developer in LaSalle County to identify one or more properties to locate the units. The RAD application will include the detailed information related to the transfer of assistance.

**Significant Amendment Definition:**

As part of the Rental Assistance Demonstration (RAD), the Housing Authority is redefining the definition of a substantial deviation from the PHA Plan to exclude the following RAD-specific items:

- Changes to the Capital Fund Budgets produced as a result of each approved RAD conversion, regardless of whether the proposed conversion will include use of additional Capital Funds;
- Changes to the construction and/or rehabilitation plan for each approved RAD conversion; and
- Changes to the financing structure for each approved RAD conversion.

**PROJECT BASED VOUCHERS RESIDENT RIGHTS AND PARTICIPATION**

**1. No Re-screening of Tenants upon Conversion.** Pursuant to the RAD statute, at conversion, current households are not subject to rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family.

**2. Right to Return.** Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to an assisted unit at the development once rehabilitation or construction is completed. Where the transfer of assistance to a new site is warranted and approved (see Section 1.6.B.7 and Section 1.7.A.8 on conditions warranting a transfer of assistance), residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.

Residents of a development undergoing conversion of assistance may voluntarily accept a PHA or Owner's offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed.

**3. Renewal of Lease.** Under current regulations at 24 CFR § 983.257(b)(3), upon lease expiration, a PHA can choose not to renew the lease, without good cause. In such a case, the regulatory consequence is the loss of the assisted unit. Under RAD, the PHA must renew all leases upon lease expiration, unless cause exists. Consequently, 24 CFR §983.257(b)(3) will not apply.

This provision must be incorporated by the PBV owner into the tenant lease or tenancy addendum, as appropriate.

**4. Phase-in of Tenant Rent Increases.** If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 3 years. To implement this provision, HUD is waiving section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of "total tenant payment" (TTP)) only to the extent necessary to allow for the phase-in of tenant rent increases. A PHA must create a policy setting the length of the phase in period at three years, five years or a combination depending on circumstances. For example, a PHA may create a policy that uses a three year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

The below method explains the set percentage-based phase-in an owner must follow according to the phase-in period established. For purposes of this section "standard TTP" refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058

Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP and the standard TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 66% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full standard TTP

*Please Note:* In either the three year phase-in or the five-year phase-in, once the standard TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

**5. Public Housing Family Self Sufficiency (PH FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Current PH FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and PHAs will be allowed to use any PH FSS funds granted previously or pursuant to the FY 2013 PH FSS NOFA, to serve those FSS participants who live in units converted by RAD and who will as a result be moving to the HCV FSS program, subject to the following:

- a. If a PHA has an HCV FSS program, a PHA must convert the PH FSS program participants at the covered project to their HCV FSS program. Please see future FSS Notices of Funding Availability and other guidance for additional details, including FSS coordinator funding eligibility of PHAs under a RAD conversion.

b. If a PHA does not have an HCV FSS program, the PHA must establish an HCV FSS program and convert the PH FSS program participants at the covered project into their HCV FSS program. PHAs are not required to offer enrollment in FSS to residents in converting projects and other HCV participants, other than to residents in converting projects that were enrolled in the PH FSS program. Please see future FSS Notices of Funding Availability and other guidance for additional details, including FSS coordinator funding eligibility of PHAs under a RAD conversion.

All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR Part 984 and in accordance with the participants' contracts of participation. However, residents who were converted from the PH FSS program to the HCV FSS program through RAD may not be terminated from the HCV FSS program or have HCV assistance withheld due to the participant's failure to comply with the contract of participation. Consequently, 24 CFR984.303(b)(5)(iii) does not apply to FSS participants in converted properties.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future public housing. ROSS-SC grants, nor will its residents be eligible to be served by future public housing ROSS-SC grants.

**6. Resident Participation and Funding.** In accordance with Attachment 1B, residents of covered projects converting assistance to PBVs will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

**7. Resident Procedural Rights.** The following items must be incorporated into both the Section 8 Administrative Plan and the owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.

**a. Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257, related to owner termination of tenancy and eviction, as modified by the waiver in Section 1.6(C)(3) above, the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall not be less than:

- i. A reasonable period of time, but not to exceed 30 days:
  - If the health or safety of other tenants, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
  - In the event of any drug-related or violent criminal activity or any felony conviction;
- ii. 14 days in the case of nonpayment of rent; and

- iii. 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

**b. Grievance Process.** HUD is incorporating additional procedural rights to comply with the requirements of section 6 of the Act. For issues related to tenancy and termination of assistance, PBV program rules require the PHA to provide an opportunity for an informal hearing, as outlined in 24CFR § 982.555. RAD will waive 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, and require that:

- i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a PHA (as owner) action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
  - For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program.
  - For any additional hearings required under RAD, the PHA (as owner) will perform the hearing.
- ii. An informal hearing will not be required for class grievances or to disputes between residents not involving the PHA (as owner) or contract administrator.

This hearing requirement shall not apply to and is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and the PHA (as owner) or contract administrator.
- iii. The PHA (as owner) give residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
- iv. The PHA (as owner) provide opportunity for an informal hearing before an eviction.

Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

**8. Earned Income Disregard (EID).** Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described in Section 1.6.C.4; instead, the rent will automatically rise to the appropriate

rent level based upon tenant income at that time.

Under the Housing Choice Voucher program, the EID exclusion is limited to only persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in section 5.617(b) limiting EID to only disabled persons is waived. The waiver and resulting alternative requirement only applies to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion (e.g., due to loss of employment); tenants that move into the property following conversion, etc.) is covered by this waiver.

**9. Capital Fund Education and Training Community Facilities (CFCF) Program.** CFCF provides capital funding to PHAs for the construction, rehabilitation, or purchase of facilities to provide early childhood education, adult education, and job training programs for public housing residents based on an identified need. Where a community facility has been developed under CFCF in connection to or serving the residents of an existing public housing project converting its assistance under RAD, residents will continue to qualify as "PHA residents" for the purposes of CFCF program compliance. To the greatest extent possible the community facility should continue to be available to public housing residents

#### **PBV: Other Miscellaneous Provisions**

**1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs must agree to any reasonable HUD request for data to support program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work. Please see Appendix IV for reporting units in Form HUD-50058.

**2. Additional Monitoring Requirement.** The PHA's Board must approve the operating budget for the covered project annually in accordance with HUD requirements.

**3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** Under existing PBV program rules, projects that qualify as "existing housing" under 24 CFR § 983.52(a) are not subject to Davis-Bacon (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) or Section 3 (24 CFR Part 135). However, the Davis-Bacon Act and Section 3 shall apply to all initial repairs that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation, regardless of whether the project qualifies as "existing housing." Developmental requirements under 24 CFR §983.154 and fair housing provisions under 24 CFR § 983.152(c)(vi) continue to apply.

**4. Establishment of Waiting List.** In establishing the waiting list for the converted project, the PHA shall utilize the project-specific waiting list that existed at the time of conversion, unless the assistance is being transferred to another neighborhood. If a project-specific waiting list does exist, but the PHA is transferring the assistance to another neighborhood, the PHA must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project-specific waiting list for a project where the assistance is

being transferred shall have priority on the newly formed waiting list for the new project site in accordance with the date and time of their application to the original project's waiting list.

In addition, the waiting list must be established and maintained in accordance with PBV program requirements.

If a project-specific waiting list for the project does not exist, the PHA shall establish a waiting list in accordance 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. For the purpose of establishing the initial waiting list, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing waiting list given the number of applicants,

PHA resources, and community characteristics of the proposed conversion under RAD. Such activities should be pursuant to the PHA's policies for waiting list management, including the obligation to affirmatively further fair housing.

A PHA may consider contacting every applicant on the public housing waiting list via ~~direct mailing; advertising~~ the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area, informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Applicants on the agency's centralized public housing waiting list who wish to be placed onto the newly-established waiting list are done so in accordance with the date and time of their original application to the centralized public housing waiting list. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and the obligation to provide meaningful access for persons with limited English proficiency (LEP).

To implement this provision, HUD is waiving 24 CFR § 983.251(c)(2). However, after the initial waiting list has been established, the PHA shall administer its waiting list for the converted project in accordance with 24 CFR § 983.251(c).

**5. Mandatory Insurance Coverage.** The project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed property of a project, except with the written approval of HUD to the contrary.

**6. Agreement Waiver.** For public housing conversions to PBV, there will be no Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Therefore, all regulatory references to the Agreement (AHAP), including regulations under 24 CFR Part 983 Subpart D are waived.

**7. Future Refinancing.** Owners must receive HUD approval for any refinancing or restructuring of permanent debt within the HAP contract term to ensure the financing is consistent with long-term preservation. (Current lenders and investors are also likely to require review and approval of refinancing of the primary permanent debt.)



**8. Administrative Fees for Public Housing Conversions.** For the initial Calendar Year in which a project's assistance has been converted, RAD PBV projects will be funded with public housing money. Since the public housing funding will not have been transferred to the TBRA account and since this funding is not section 8 assistance the annual contributions contract (ACC) between the PHA and HUD will cover the project units, but be for zero dollars. For this transition period, the ACC will primarily serve as the basis for covering the units and requiring PHA compliance with HUD requirements, but it will not be (as it is in the regular PBV program) the funding vehicle for the PBV RAD vouchers. Given this, and given the fact that PHAs will be receiving full public housing funding for the PBV units during this transition period, PHAs will not receive ongoing section 8 administrative fee funding during this time.

Generally, PHAs receive ongoing administrative fees for units under a HAP contract, consistent with recent appropriation act references to "section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Responsibility Act of 1998" and 24 CFR 982.152(b). During the transition period mentioned in the preceding paragraph, these provisions are waived, and PHAs will not receive section 8 ongoing administrative fees for PBV RAD units.

After this transition period, the ACC will be amended to include section 8 funding that corresponds to the units covered by the ACC. At that time, the regular section 8 administrative fee funding provisions will apply.



# ATTACHMENT G

## 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 PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, “Family Breakup and Remaining Member of Tenant Family”; 3-III.G, “Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking”; 10-I.A, “Allowable Moves”; 10-I.B, “Restrictions on Moves”; 12-II.E, “Terminations Related to Domestic Violence, Dating Violence, or Stalking”; and 12-II.F, “Termination Notice.”

### 16-IX.B. DEFINITIONS [24 CFR 5.2003, 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 cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

The term *affiliated individual* means, with respect to a person:

- A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
  - Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *sexual assault* means:
    - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
  - The term *stalking* means:
    - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

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

### **Notification to Public**

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

#### PHA Policy

The PHA 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 the PHA'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)]**

PHAs are 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.

#### PHA Policy

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

The PHA will provide all participants with information about VAWA at the time of admission (see section 5-I.B) and at annual reexamination. The PHA 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.

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 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 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 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, the PHA may decide not to send mail regarding VAWA protections to the victim's unit if the PHA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, the PHA 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 PHAs are no longer required by regulation to notify owners and managers participating in the HCV program of their rights and obligations under VAWA, the PHA may still choose to inform them.

#### PHA Policy

The PHA 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 the notice in Exhibit 16-5 and a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, and Stalking and Alternate Documentation.

#### **16-IX.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, sexual assault, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. 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-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. 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, 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.

The PHA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, the PHA 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 the PHA will be in writing.

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



### **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 3). The PHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to the PHA. Individuals have 30 calendar days to return third-party verification to the PHA. If the PHA does not receive third-party documentation, and the PHA will deny or terminate assistance as a result, the PHA must hold separate hearings for the tenants [Notice PIH 2017-08].

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 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(e) and by following any HUD guidance on how such determinations should be made.

When requesting third-party documents, the PHA 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 the PHA does not receive third-party documentation within the required timeframe (and any extensions) the PHA 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, the PHA will hold separate hearings for the applicants or tenants.

#### **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). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

#### PHA Policy

If the PHA accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault 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.

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

All information provided to the PHA regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information 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.

HOUSING AUTHORITY FOR LASALLE COUNTY

**Notice of Occupancy Rights under the Violence Against Women Act<sup>1</sup>**

**To all Tenants and Applicants:**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Public Housing and Section 8 Housing Choice Voucher programs** are 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 **Public Housing and Section 8 Housing Choice Voucher programs**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Tenants**

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

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

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

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

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

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

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

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

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

### **Moving to Another Unit**

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

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

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

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

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

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

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

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

- A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.

- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HP has agreed to accept.

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

If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HP has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HP does not have to provide you with the protections contained in this notice.

### **Confidentiality**

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

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

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

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

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

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

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

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

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

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

### **Other Laws**

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

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

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with HUD at 800-669-9777.

**For Additional Information:** You may view a copy of HUD's final VAWA rule at: <https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

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

### **For questions regarding VAWA, please contact:**

- Director of Occupancy, Housing Authority for LaSalle County, 815-434-0380 x232
- Director of Asset Management, Housing Authority for LaSalle County, 815-434-0380 x223

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: ADV & SAS, P.O. Box 593, Streator, IL 61364-0593 [mmorrison@advsas.org](mailto:mmorrison@advsas.org)

## **ADV & SAS Hotline: 800-892-3375**

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

**SAS** Victims of stalking seeking help may contact **ADV & SAS** or **Law Enforcement dial 911**



**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): \_\_\_\_\_  
\_\_\_\_\_
10. 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: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING  
(HCV VERSION)**

Attachment: Certification form HUD-5382

**The Housing Authority for LaSalle County**

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual**

**Assault, or Stalking**

**Housing Choice Voucher Program**

**Emergency Transfers**

The PHA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>3</sup> the PHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>4</sup> The ability of the PHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the PHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

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.

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<sup>3</sup>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.

<sup>4</sup>Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

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.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify the PHA's management office and submit a written request for a transfer to the PHA's Central Office. The PHA 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 the PHA'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**

The PHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the PHA 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 the PHA'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**

The PHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The PHA 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. The PHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the PHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, the PHA 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, the PHA 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, the PHA will assist you to move to a safe unit quickly using your existing voucher assistance. The PHA will make exceptions to program regulations restricting moves as required.

At your request, the PHA will refer you to organizations that may be able to further assist you. Project-based assistance: If you are assisted under the project-based voucher (PBV) program, you may request an emergency transfer under the following programs for which you are not required to apply:

- Tenant-based voucher, if available
- Project-based assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe)
- Project-based assistance in another development owned by the PHA

Emergency transfers under VAWA will take priority over waiting list admissions for these types of assistance.

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

- Public housing program
- PBV assistance in another development not owned by the PHA
- USDA-Rural Development program

Emergency transfers will not take priority over waiting list admissions for these programs. At your request, the PHA 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, and 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>.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>. For help regarding sexual assault, domestic violence, or stalking you may contact **ADV & SAS** at: **ADV & SAS Hotline: 800-892-3375**



**EXHIBIT 16-4: EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, FORM HUD-5383**

**EMERGENCY TRANSFER**                      **U.S. Department of Housing**                      **OMB Approval No. 2577-0286**  
**REQUEST FOR CERTAIN**                      **and Urban Development**                      **Exp. 06/30/2017**  
**VICTIMS OF DOMESTIC**  
**VIOLENCE, DATING VIOLENCE,**  
**SEXUAL ASSAULT, OR STALKING**

**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) \_\_\_\_\_



## MODEL OWNER NOTIFICATION OF RIGHTS AND OBLIGATIONS

Housing Authority for LaSalle County

### 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 the Housing Authority for LaSalle County 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).)

i. 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.)

ii. 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;
- 2) Signed by the applicant or tenant; and
- 3) 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 I, 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**

The Housing Authority for LaSalle County has extensive relationships with local service providers. The Housing Authority for LaSalle County staff are available to provide referrals to shelters, counselors, and advocates. These resources are also provided in the Housing Authority for LaSalle County'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 LaSalle County area  
Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking  
Housing Authority for LaSalle County's VAWA Notice of Occupancy Rights

# ATTACHMENT H

## 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 PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located in Chapter 3, "Eligibility" (sections 3-1.C and 3-III.F); Chapter 5, "Occupancy Standards and Unit Offers" (section 5-II.D); Chapter 8, "Leasing and Inspections" (section 8-1.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 *biurate* 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 *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**

The PHA 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.

PHA Policy

The PHA 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 the PHA'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 Exhibit 16-1)

Contact information for local victim advocacy groups or service providers



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

PHAs are 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.

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

#### **PHA Policy**

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

The PHA will provide all applicants with 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 PHA will provide all tenants with information about VAWA at the time of admission (see section 8-1B) and at annual reexamination. The PHA will also include such information in all lease termination notices (see section 13-IV.D).

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 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, the PHA may decide not to send mail regarding VAWA protections to the victim's unit if the PHA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, the PHA 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]

A PHA 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. 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) (i) 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. 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 2005 final rule].

### PHA Policy

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

The PHA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, the PHA 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 the PHA will be in writing.

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

#### **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 3). The PHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to the PHA. The PHA 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 the PHA. If the PHA does not receive third-party documentation, and the PHA will deny or terminate assistance as a result, the PHA must hold separate hearings for the tenants [Notice PH 2017-08].

#### PHA Policy

If presented with conflicting certification documents 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(e) and by following any HUD guidance on how such determinations should be made. When requesting third-party documents, the PHA 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 the PHA does not receive third-party documentation within the required timeframe (and any extensions) the PHA 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, the PHA will hold separate hearings for the applicants or tenants.

#### **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). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

#### PHA Policy

If the PHA accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault, 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.

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

All information provided to the PHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, 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.

**EXHIBIT 16-1: NOTICE TO PUBLIC HOUSING APPLICANTS AND TENANTS  
REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA) HUD-5380**

**HOUSING AUTHORITY FOR LASALLE COUNTY**

**Notice of Occupancy Rights under the Violence Against Women Act<sup>1</sup>**

**To all Tenants and Applicants:**

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Public Housing and Section 8 Housing Choice Voucher programs** are 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 **Public Housing and Section 8 Housing Choice Voucher programs**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Tenants**

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

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

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

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

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

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

HALC 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 HALC chooses to remove the abuser or perpetrator, HALC 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, HALC 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, HALC must follow Federal, State, and local eviction procedures. In order to divide a lease, HALC 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, Housing Authority for LaSalle County (HALC) 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, HALC may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

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

HALC 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.

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

HALC can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HALC must be in writing, and HALC 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. HALC may, but does not have to, extend the deadline for the submission of documentation upon your request.

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

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

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

If HALC receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HALC 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, HALC does not have to provide you with the protections contained in this notice.

#### **Confidentiality**

HALC 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.

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

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

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

VAWA does not limit HALC'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, HALC 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 HALC 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 HALC can demonstrate the above, HALC 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 HUD at 800-669-9777.

**For Additional Information:** You may view a copy of HUD's final VAWA rule at: <https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

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

#### **For questions regarding VAWA, please contact:**

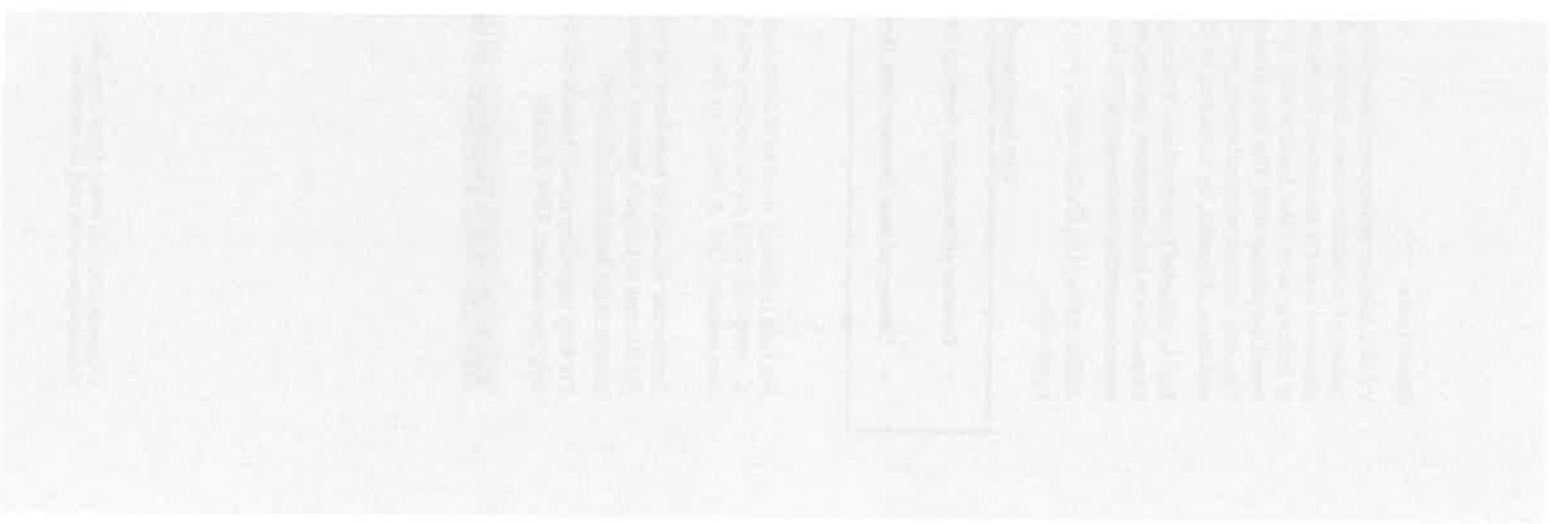
- **Director of Occupancy, Housing Authority for LaSalle County, 815-434-0380 x232**
- **Director of Asset Management, Housing Authority for LaSalle County, 815-434-0380 x223**

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: ADV & SAS, P.O. Box 593, Streator, IL 61364-0593 [immortison@advsas.org](mailto:immortison@advsas.org)

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

For help regarding sexual assault, you may contact **ADV & SAS** Victims of stalking seeking help may contact **ADV & SAS**:

**ADV & SAS Hotline: 800-892-3375**



**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 and Urban Development 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 time(s) of incident(s) (if known): \_\_\_\_\_  
\_\_\_\_\_
10. 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: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

Attachment: Certification from HUD-5382

Housing Authority for LaSalle County

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking  
Public Housing Program**

**Emergency Transfers**

The PHA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>3</sup> the PHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>4</sup> The ability of the PHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the PHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

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.

<sup>3</sup>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.

<sup>4</sup>Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

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.

#### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify the PHA's management office and submit a written request for a transfer to **any PHA office**. The PHA 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 the PHA'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**

The PHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the PHA 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 the PHA'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**

The PHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The PHA 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. The PHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the PHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, the PHA 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, the PHA 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 (PH) Program**

If you are a public housing resident and request an emergency transfer as described in this plan, the PHA will attempt to assist you in moving to a safe unit quickly. The PHA will make exceptions as required to policies restricting moves.

Emergency transfers for which you are not required to apply for assistance include the following:

- Public housing unit in a different development
- Public housing unit in the same development, if you determine that the unit is safe

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

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

- HCV tenant-based program
- HCV project-based assistance
- Other programs administered by the PHA (such as state housing programs)

Emergency transfers will not take priority over waiting list admissions for these types of assistance. At your request, the PHA 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, and Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at <https://oh.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>.

**Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking:** For help regarding domestic violence, sexual assault, or stalking,

you may contact **ADV & SAS: ADV & SAS Hotline: 800-892-3375**

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





**EXHIBIT 16-4: EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, FORM 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

**VIOLENCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

**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) \_\_\_\_\_

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2020 grants)</b>		
a) Public Housing Operating Fund	\$3,000,000.00	PHA Operations
b) Public Housing Capital Fund	\$2,433,000.00	Capital Improvements
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	\$3,100,000.00	Program Operations
f) Resident Opportunity and Self-Sufficiency Grants		
g) Community Development Block Grant		
h) HOME		
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
Capital Fund 501-20	\$350,000.00	Capital Improvements
<b>3. Public Housing Dwelling Rental Income</b>	\$2,200,000.00	PHA Operations
<b>4. Other Income (list below)</b>		
Interest Income	\$40,000.00	PHA Operations
Misc. Income	\$150,000.00	PHA Operations
<b>5. Non-federal sources (list below)</b>		
<b>Total resources</b>	<b>\$11,273,000.00</b>	



# ATTACHMENT J

## EXHIBIT 8-1: SMOKE-FREE POLICY

In accordance with HUD regulations, (24 CFR 965 & 24 CFR 966.4) the Housing Authority has adopted these smoke-free policies. The policies are effective as of July 30, 2018.

### **PHA SMOKE-FREE POLICY**

#### **Smoking**

The term “smoking” means any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other prohibited tobacco product in any manner or any form.

#### **Prohibited Tobacco Products**

Prohibited tobacco products include tobacco, cigars, cigarettes, pipes, water pipes, hookahs, all types of E-cigarettes, vaping devices, and ENDS (Electronic Nicotine Delivery Systems).

#### **Locations**

Smoking is prohibited in all apartments, residential units, and all interior areas, including but not limited to hallways, stairwells, balconies, elevators, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures. Smoking is also prohibited in outdoor areas within 25 feet from public housing and administrative office buildings.

#### **Applicability**

This policy applies to all residents, household members, guests, employees and service persons. Residents are responsible for ensuring that household members and guests comply with this rule.

#### **Designated Smoking Areas**

The PHA does not provide designated smoking areas on the PHA’s property.

#### **Effective Date**

The effective date of this Smoke-Free policy is July 30, 2018.

#### **Lease**

Residents must execute a lease that includes HUD’s “Smoke-Free” requirements in accordance with 24 CFR 965 & 966 as part of the annual lease renewal process. Regardless of the lease renewal date, all residents must be in compliance with the Smoke-Free policy no later than July 30, 2018.

#### **Reasonable Accommodation**

The act of smoking itself is not a disability under the ADA. Persons who smoke or use tobacco are not a protected class under the Fair Housing Act and do not have special legal status. Reasonable accommodations that allow residents to smoke in their units will not be made.

## **Violations of Smoke-Free Policy**

Violation of the Smoke-Free policy after the Effective Date constitutes a violation of the terms of the Public Housing Dwelling Lease. Consequences of lease violations include termination of tenancy.

### **Enforcement**

The PHA must enforce smoke-free policies when a resident violates this policy. When enforcing the lease, the PHA will provide due process and allow residents to exercise their right to an informal settlement and formal hearing. The PHA will not evict a resident for a single incident of smoking in violation of this policy. As such, the PHA will implement a graduated enforcement framework that includes escalating warnings. Prior to pursuing eviction for violation of Smoke-Free policies, the PHA will take specific, progressive monitoring and enforcement actions, while at the same time educating tenants and providing smoking cessation information.

The lease will identify the actions that constitute a policy violation, quantify the number of documented, verified violations that warrant enforcement action, state any disciplinary actions that will be taken for persistent non-responsiveness or repeated noncompliance, and state how many instances of noncompliance will constitute a violation.

Tenancy termination and eviction will be pursued only as a last resort. The PHA may terminate tenancy at any time for other violations of the lease and failure to fulfill household obligations if resident behavior disturbs other residents' peaceful enjoyment and is not conducive to maintaining the property in a decent, safe, and sanitary condition.

### **Enforcement Plan**

**1<sup>st</sup> Violation** Verbal warning from staff to resident. Warning is noted in tenant file. Cessation materials included.

**2<sup>nd</sup> Violation** Notice of Lease Violation letter sent to tenant specifying smoking as a lease violation, including date of first, verbal warning. Cessation materials included.

**3<sup>rd</sup> Violation** Notice of Lease Violation sent to tenant with a request for tenant to meet with staff to discuss PHA Smoke Free Policy. Cessation materials included.

### **4<sup>th</sup> Violation – Notice of Lease Termination issued:**

- If tenant agrees in writing not to violate Smoke-Free policy again, PHA may allow cure.
- If tenant does not agree in writing to cease violating Smoke-Free policy then Lease Termination will be enforced.

### **5<sup>th</sup> Violation – Notice of Lease Termination issued (Final):**

- Tenant is in violation of prior written agreement will **not** be permitted to cure.

### **Grievance Procedure**

Tenant(s) found to be in violation of Smoke-Free policy may grieve at any stage of violation in accordance with the Grievance Procedure (ACOP Chapter 14 or Resident Handbook), except in cases where the grievance would be excluded by the Dwelling Lease or PHA Policy.



526 E. NORRIS DRIVE  
OTTAWA, ILLINOIS 61350  
PHONE: (815) 434-0380  
FAX: (815) 434-7237  
TDD: (815) 434-0929

# OPERATIONS PLAN

## Fiscal Years 2020-2024

Approved by  
the Housing Authority's  
Board of Commissioners

Resolution No.

Date 03/11/2020

*FORWARD* .....

We are pleased to present the operations plan for the Housing Authority for LaSalle County for Fiscal Years 2020-2024.

We encourage all employees to take the time to read this document carefully. It will serve as our road map for what will be accomplished in Fiscal Years 2020-2024.

We consider planning to be the cornerstone of effective management. Only together, working as a team, can we succeed.

## **BOARD OF DIRECTORS**

Michael Crowley, Chairman

Doug Biederstedt, Vice-Chairman

Richard McConville, Commissioner

Gary Grabowski, Commissioner

Jerry Hicks, Commissioner

Robert Jakupcak, Commissioner

Margie Corcoran, Resident Commissioner



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**MISSION**

The mission of the Housing Authority for LaSalle County is to strengthen the community by creating opportunities for diverse housing options and providing the opportunity for self-sufficiency by promoting adequate and affordable housing, economic opportunity, and a suitable living environment.

## GOALS

The Housing Authority for LaSalle County will accomplish its mission through the establishment of clearly defined goals. The Authority's organizational goals are statements of what we intend to accomplish. These goals are not prioritized, as we consider all of equal importance. The goals stated here encompass all areas of the Housing Authority's operation.

- Increase the effectiveness of the Board of Commissioners through continued education of Authority operations
- Improve managerial effectiveness through continued professional development of management staff
- Improve front-line operations and interdepartmental cooperation by providing ongoing training for front-line staff
- Provide ongoing support to staff, working to maintain a high level of motivation and excellent customer service
- Develop and implement an ongoing community-wide public relations and marketing program
- Identify and develop resident leaders, and strengthen resident relations through improved communication with residents
- Encourage resident empowerment through the development and support of resident councils and a centralized Resident Executive Committee
- Increase the number of permanent subsidized units through aggressive solicitation of federal and state funding
- Develop and implement support programs for residents that improve the overall quality of life
- Maintain all physical facilities in good condition, improve ongoing maintenance operations, improve preventative maintenance programs, and continue capital improvements
- Assure overall financial security of the Authority through strong budgetary controls, including preservation of reserves and aggressive collection procedures
- Analyze and review operating policies and procedures, assuring compliance with changing federal regulations at all times
- Consistently maintain Public Housing occupancy and Section 8 occupancy in excess of 98%
- Research, develop and implement housing alternatives for residents, whose housing needs are not met by the private market

## **OBJECTIVES**

The objectives that follow represent relevant and measurable ends to be achieved during the next five years. The accomplishment of these objectives will enable us to reach our goals. These objectives are stated by operational divisions, not by programs, as many divisions overlap various programs.

## **BOARD FUNCTIONS**

- Keep well-informed of Housing Authority programs and respond to community questions and concerns. Refer appropriate issues to staff.
- Attend state and national conferences and seminars to keep informed of housing policy and HUD regulations.
- Review and revise Housing Authority policies as needed.
- Monitor financial statements and audits to assure compliance with approved budgets.
- Monitor the progress of the goals and objectives of the Housing Authority.
- Monitor the performance and effectiveness of management.

## ADMINISTRATION

1. Provide leadership for staff, maintaining an open door policy and expanded opportunity for personal and professional growth.
2. Conduct staff meetings, reviewing, monitoring and measuring the success of the Authority's goals and objectives.
3. Meet periodically with designated employees to discuss appropriate issues in connection with employee relations.
4. Encourage all employees to actively participate in the continuing education program. Provide training as needed for each employee.
5. Keep informed of all legislation and HUD regulations on an ongoing basis. Inform staff of pertinent changes and update policies as needed. Solicit staff input on policy issues. Maintain an updated library at all times.
6. Conduct annual salary/benefits comparability survey, analyze and discuss with staff.
7. Complete employee evaluations annually.
8. Keep master file for all applicant/resident standard correspondence and notices.
9. Load program updates in a timely manner; provide ongoing computer support for all staff. Maintain system backups in a safe location.
10. Coordinate Board functions and assist Board members as needed. Maintain minutes current and enforce freedom of information requirements.
11. Coordinate all internal reports, manage all information systems and provide data to staff as needed.
12. Provide all ongoing clerical support for management staff, coordinate schedules, and assist the general public as required.
13. Review job descriptions periodically, soliciting staff input, updating as needed.
14. Improve overall working conditions by assuring that adequate resources are available for all staff.

## CENTRAL OFFICE – FINANCE / PERSONNEL

1. Monitor and manage the financial and human resource operations of Authority on an ongoing basis to: 1) assure that operating reserves are maintained at a level to secure the financial viability of each of the Authority's programs; 2) assure the compliance with applicable federal and state laws; 3) assure the adherence to internal administrative policies and procedures and; 4) monitor the adherence to budget projections so that routine operating expenses are less than operating income.
2. Low Rent Program Budgets: Prepare AMP budget packets for Property Managers at least 75 days before the beginning of each fiscal year. Provide support to Property Managers in their preparation of line item budget estimates and assist as necessary to ensure that estimates are completed and budget packets are returned to the COCC at least 45 days before the beginning of each fiscal year. Compile AMP budget estimates and format reports in a manner that will present budgeted financial and per unit month data by individual AMP as well as agency-wide. Submit budget reports to the Authority's Board of Commissioners for Board approval prior to the beginning of each fiscal year.
3. Rural Development Budget: Review and update utility allowances and market rents for each development 120 days before the beginning of the fiscal year. Review the capital improvement and equipment needs of each development with the Property Manager and Technical Services Director at least 90 days before the beginning of the fiscal year. Prepare and submit the required budget forms, narratives, and supporting documents to the Rural Development servicing office 60 days before the beginning of the fiscal year.
4. Section 8 Administrative Budget: Review program operating needs and potential fee income with the Executive Director and prepare an operating budget for the Section 8 Program at least 45 days before the beginning of each fiscal year.
5. Fornof Manor Budget: Review the capital improvement and equipment needs of the development with the Property Manager and the Technical Services Director at least 120 days before the beginning of the calendar year. Prepare budget forms 60 days before the beginning of the calendar year. Review utility allowances and rent changes 90 days before the beginning of the fiscal year and submit to IHDA for approval before implementation.
6. Starved Rock Homes Budget: Review program operating needs and income projections with the Executive Director. Prepare an operating budget for approval by the Starved Rock Homes Board 30 days before the beginning of the calendar year.
7. Prepare AMP financial data to document Authority's eligibility for annual operating subsidy and submit the required information through REAC, HUD's electronic system based on timeframes established by HUD (normally during the last quarter of the calendar year). Coordinate and maintain financial data as necessary for HUD's assessment programs of Public Housing and Section 8.

8. Submit monthly payment draws for AMP operating subsidy thru HUD's LOCCS payment system by the 10<sup>th</sup> of each month. Submit monthly project worksheets for Leland Elderly properties through Rural Development's MINC payment system by the 20<sup>th</sup> of each month. Prepare LOCCS capital fund draws as needed for disbursement of funds to contractors within three business days from receipt in accordance with HUD requirements. Monitor Section 8 FMC notices for availability of program funding allocations, update subsidy schedule for each FMC notice and on the 1<sup>st</sup> of each month for HUD's automatic deposit of Section 8 operating funds.
9. Process accounts payable transactions, issuing timely payments to vendors on the 10<sup>th</sup> and 20<sup>th</sup> of each month; assure that invoices are properly approved, expensed and supported by purchase requests and purchase orders. Assure strict compliance with the Agency's procurement and internal control policies by all departments at all times. Maintain detailed utility consumption and cost data for each AMP for HUD funding and budgeting purposes.
10. Monitor bank balances on a regular basis to assure sound cash management and timely investment of excess funds in interest bearing accounts in compliance with HUD investment guidelines. Process and balance monthly bank statements by the 5<sup>th</sup> working day of each month. Monitor interest rates from area financial institutions in order to maximize interest income
11. Process and maintain timely and accurate general ledger information for all programs to assure that monthly balance sheets and operating statements are ready for review by the 12<sup>th</sup> day following each monthly reporting period.
12. Prepare monthly, quarterly, and annual AMP reports for property managers and Executive Management staff by the 15<sup>th</sup> day of each month for monitoring of each AMP's: 1) budget vs. cash flow variances; 2) unit turnaround times / vacancies; 3) resident accounts receivables, balance ratio's and average rents and; 4) annual utility cost and consumption data for comparison to agency averages.
13. Prepare and distribute staff biweekly payroll and maintain accrued annual leave records. Consult with property managers, supervisors, and department heads as necessary to assure that time and leave requests have been recorded in accordance with policy requirements. Implement changes in procedures and electronic processing to comply with federal and state reporting, postings, and notices within published timeframes. Review personnel policies and employee benefit programs for compliance with applicable laws. Update policies for changes and compliance as necessary. Provide timely notices and benefit resource information to staff as required and requested.
14. Conduct new employee orientation during the first week of employment for all new hires. Distribute and review employment materials, explain procedures and policies, and obtain completed employment forms.
15. Prepare and coordinate worker's compensation incident and injury reports with property managers, supervisors, and department heads. File reports with the Authority's insurance carrier within the required timeframes. Maintain an individual record of all correspondence to facilitate the flow of information and medical status on each claim.

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16. Administer and assure proper insurance coverage for all Authority assets at all times. Prepare Requests for Proposals in compliance with HUD procurement guidelines. Timely process and document claims, accidents, and casualty losses. Coordinate insurance information with management and field staff. Maintain and distribute current insurance registers. Maintain an updated insurance policy binder in a secure location at all times. Retain expired policies for a period of ten years.
17. Compile accrued financial data on the Low Rent Public Housing, Capital Fund, Section 8, and Rural Development Programs for the electronic submission of annual financial data to HUD/REAC within 60 days of the end of the fiscal year. Prepare the Management Discussion and Analysis Report 90 days after the end of the fiscal year for submission to the Board of Commissioners and inclusion in the annual audit report.
18. Process tenant accounting transactions and bank deposits daily. Process late rent notices by the 7<sup>th</sup> day of each month, assess late fees on the 15<sup>th</sup> day of each month, and issue statements to residents before the 27<sup>th</sup> day of each month. In cooperation with the Intake / Certification/Occupancy Department, maintain timely and accurate tenant rental information.
19. Monitor resident lease compliance for the prompt and timely payment of amounts due and process nonpayment lease termination notices by the 7<sup>th</sup> day of each month. Court cases will be initiated and coordinated with the Authority's attorney by the 21<sup>st</sup> day of each month in non-payment cases and upon the expiration of the lease termination notice in all other cases. Finance and property management staff will consult on a regular basis regarding the status of each case until settlement. Attend initial court appearances and negotiate agreed orders with residents, prepare default orders for non-appearance cases or refer residents to the attorney for further legal consultation. Provide property managers and department heads with updated eviction information on a regular basis and coordinate evictions with the sheriff's department and property management staff. Attend and testify at trials as requested by the Authority's attorney.
20. Process and settle vacated resident accounts within 45 days of move out. Submit vacated resident debt information to the board on a semi-annual basis for collection loss write-off. Pursue collection of vacated resident accounts through post judgment actions, the Authority's attorney, collection agencies, state tax offset programs to recapture unpaid debt amounts from former program participants.
21. In cooperation with the Section 8 Department, maintain accurate housing assistance payment information on active participants. Process and direct deposit or mail Section 8 landlord HAP checks, including utility reimbursements and outgoing portability payments on the 1<sup>st</sup> business day of each month. Process Section 8 mid month adjustments on the 15<sup>th</sup> day of each month. Mail Section 8 repayment and debt statements during the last week of each month. Prepare and distribute IRS-1099s to Section 8 landlords by January 25<sup>th</sup> of each year.
22. Maintain Public Housing Low Rent, Section 8, and Rural vacated resident debt and program violation records and distribute updated reports to intake staff on a monthly basis. Update information for payments received and bankruptcy filings. Maintain debt and violation records for a minimum of 10 years.



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23. Prepare Requests for Proposals (RFP) for financial audits of Authority programs and entities. Prepare bid tabulations for Board approval. Work with auditors to assure that audits are completed and submitted within the time frame established by the funding agency.
24. Keep finance staff, property managers, and executive staff informed on finance related matters and provide ongoing financial training to central office and property management staff as necessary.
25. Respond to residents, applicants, and the general public in a courteous, polite, timely, and non-discriminatory manner and adhere to the confidentiality and privacy of applicant, resident, and Authority information at all times.

## PROPERTY MANAGEMENT

1. Assure the adherence to internal administrative policies and procedures; and monitor the adherence to budget projections so that routine operating expenses are less than operating income.
2. Walk each development at least weekly, ensuring that sites are well-maintained. Single family scattered sites to be done monthly.
3. Initiate contact with applicants within 3 business days from the date formal applicant file is received from ICO, contingent upon background checks.
4. Upon receipt of final verification of selection and admissions criteria, offer unit or deny assistance within 3 business days. If approved applicant accepts unit offer, schedule to complete lease within 3 business days of unit readiness. Return completed file to central office within 2 days.
5. Assist ICO in completing interim rent changes and annual re-exams when residents are uncooperative. Submit changes in family composition information to ICO within 2 days of determination.
6. Transfer tenants in accordance with transfer priorities and the centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.
7. Conduct housekeeping inspections for residents with housekeeping and sanitation problems for units that meet unsanitary conditions in accordance with the ACOP..
8. Investigate resident complaints within 48 hours of receipt.
9. Maintain site files current at all times, and document all incidents in computer system.
10. Conduct marketing activities based on vacancies, including speaking to groups, mailings, advertisement and contacts with agencies and employers.
11. Maintain a professional attitude at all times, assist residents in all areas as needed, return messages within 24 hours, and respond to inquiries within 48 hours.
12. Meet with maintenance staff at least weekly to coordinate maintenance work. Discuss resident complaints and other maintenance concerns. Submit work orders on a daily basis as needed.
13. Work closely with building caretakers on an ongoing basis.
14. Conduct resident meetings at least annually at every development.

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15. Work closely with other agencies, police departments, and city officials to secure and coordinate services for residents.
16. Support and assist with other Housing Authority program initiatives conducted at the developments.
17. Work with ICO and maintenance staff to maintain total vacancy days at less than 15 average for Public Housing, Rural Development, and Formof Manor.
18. Maintain an open door policy for all residents, assist in the development of resident councils and keep residents well informed of all related issues.
19. Submit intent to vacate forms to ICO within 24 hours.
20. Coordinate and maintain data as necessary for federally regulated assessment programs agency wide.
21. Increase communication with residents through quarterly meetings with Resident Executive Committees and Resident Advisory Board.

## **MAINTENANCE AND INVENTORY**

1. Initiate and complete work orders for all site work, common area work and resident requested work within time determined by appropriate priority code.
2. Complete all emergency work orders within 24 hours from the time reported and call-in work orders within 3 days.
3. Complete all non-emergency work orders from annual inspections within 30 days from date generated.
4. Submit completed work orders to clerical staff for processing at the end of each day.
5. Inspect vacated units with property managers, as requested; correct all deficiencies listed on inspection form, as needed, and in accordance with the unit turnover checklist.
6. Complete vacancy turnaround within five days from the date maintenance receives possession of the unit.
7. Complete preventative maintenance work on schedule each year.
8. Maintain grounds in excellent condition - bushes and shrubs neatly trimmed, sidewalks and parking areas free of any debris, ice, or snow.

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9. Complete site inspections jointly with property managers on a monthly basis; make necessary repairs.
10. Wear uniforms provided every day; maintain a neat and clean appearance. At all times, maintain a professional attitude.
11. Respond to emergency calls after hours when “On-Call” within 1 hour from receiving call and submit work orders for emergency calls within 24 hours.
12. Keep maintenance schedules up to date for all vehicles and equipment at each site.
13. Maintenance Foreman meet daily with Property Managers to discuss maintenance issues and report problems or concerns in units. Prioritize maintenance work with Property Managers.
14. Maintain high quality for all work performed. Utilize a mutually understood standard for each job performed.
15. Close all completes unit turnover work orders and verify accuracy using reports by the 5<sup>th</sup> day of the month.
16. Assure strict compliance with the Housing Authority for LaSalle County Procurement Policy call times.

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### **RESIDENT SERVICES:**

1. Support senior resident councils; assist with recreational programs; identify resident leaders, establish and coordinate quarterly meetings of Resident Executive Committee and the Resident Advisory Board.
2. Research alternative options that will prolong independence and avoid premature nursing home care.
3. Strive for crime-free public housing through the continuing support of the Resident Assistance Program in all developments, with cooperation from participating agencies.
4. Continue cooperative arrangement with various local agencies.
5. Continue to support a Family Self-Sufficiency program for families living in public housing; assist families in securing affordable financing for homeownership.
6. Work closely with local agencies to assist with providing suitable housing for their clients throughout LaSalle County.
7. Implement a transition plan to develop accessible housing in accordance with our needs assessment.
8. Work with the local service providers to make reasonable modifications to existing housing stock for physically handicapped residents.

## INTAKE, CERTIFICATION, AND OCCUPANCY

1. Greet visitors at the administrative office in a prompt and courteous manner with consideration given to privacy of clients relating to confidential information. Answer questions and refer visitor to appropriate department or staff person.
2. Serve as telephone operator for the administrative office. Answer switchboard calls within five rings.
3. Dispense applications and provide assistance in completion when needed.
4. Process applications and send an initial response letter to applicants within ten business days of the date the application is received. Review applications against prior and current resident lists and data available in the HUD EIV database to determine records of prior participation and any resulting debt, lease or program violation. Review LaSalle County sex offender list for applicant prior to processing.
5. Purge applicant's files for all programs annually if application on file is in excess of 12 months.
6. Maintain a pool of applications verified in accordance with HUD regulations and agency policies based on average vacancy and turnover percentages for the previous 12-month period.
7. Provide inventory of blank pre-applications for use at Asset Management site offices.
8. Issue final notice of eligibility or denial within five business days of receipt of verifications.
9. Maintain an applicant report and provide to executive management staff as appropriate on a monthly basis.
10. Review and, if needed based on date of verifications, reverify applicant files prior to offer of assistance.
11. Issue complete formal application files to Property Managers within business 5 days of receipt of intent to vacate, or within 2 business days of vacate if no notice was received.
12. Conduct Section 8 briefings in accordance with available units based on turnover and the average lease-up percentage rates for the previous 12-month period.
13. Maintain Section 8 utilization at a minimum 98% and issue available vouchers within 30 calendar days.
14. Review Section 8 Request for Tenancy Approval and request initial inspection within 7 calendar day of receipt. Send lease-up documents for Section 8 units within 5 business days of passed inspection.

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15. Work closely with Property Managers by responding to all queries within 1 business day, and informing Managers in advance of staff absences.
16. Begin processing annual re-exams 90 days prior to anniversary date for Section 8 and Public Housing, Rural Developments, and Forno of Manor. Complete all annuals other than resident-delayed at least 30 days prior to anniversary date.
17. Review request for interims within ten business days. For interims relative to income changes, request verifications and interim paperwork within 35 days of the date the change is reported. For interims relative to changes in household composition, request verifications and interim paperwork within ten business days of the date the change is reported.
18. Process appropriate interim rent change within ten business days of receipt of all necessary paperwork.
19. Maintain ongoing investigations of program fraud and abuse. Work closely with property managers, landlords, and other social service agencies to verify information for applicants/residents.
20. Prepare lease-up files for Public Housing within one-calendar day upon notification of approved application from Property Management staff.
21. Purge and place in storage all non-violation Section 8 end participation files at least annually.
22. Maintain inactive application files in an accessible location for at least two years. Place files in storage after elapse of two years.
23. Complete all waiting list, vacancy, withdrawal, and turnover reports by the 10th of each month. Advise the Property Management staff when developments have no applicants.
24. Work with Property Management staff to maintain total vacancy days at less than 15 average days.
25. At all times be courteous, polite, and professional. Respond to questions and concerns of applicants, residents, landlords, and other interested parties. Return all telephone messages within 24 working hours. Provide emergency coverage information via voice mail message in case of an absence that will exceed one business day. To insure client privacy, require provision of the last four numbers of client social security number prior to discussion or release of confidential information. Treat all clients in a fair and consistent manner.
26. Approve new HAP amounts and issue written notification of Section 8 rent changes to Finance Department one day prior to the end of month. Provide Finance Department with written information necessary to process HAP adjustment checks by the 14th of each month. Coordinate utility reimbursements via the accounts payable system with the Finance Department.

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27. Investigate violations of Section 8 program obligations within 30 calendar days of report.
28. Issue notice of Section 8 termination within 5 business days of verification of program violation.
29. Issue notice of termination of public housing tenancy for fraud or for non-cooperation with recertification within five days of completion of verification of violation.
30. Schedule, attend, and respond to conferences, reviews, hearings, and trials as required in accordance with federal regulations and Housing Authority policy.
31. Access HUD income matching program verifications at least quarterly and resolve discrepancies exceeding 100% within 60 calendar days.
32. Access HUD website weekly to monitor necessary program changes.
33. Attend regularly scheduled staff meetings to discuss department operations.
34. Submit MTCs data to HUD by the 27<sup>th</sup> of each month. Review error reports, make needed corrections, and resubmit by the 30<sup>th</sup> of the month.
35. Submit TRACS data to IHDA by the 25<sup>th</sup> of each month. Review error reports and make needed corrections by the 10<sup>th</sup> of each month.
36. Maintain applicant and resident files in a standardized easily auditable format with all forms and documents required in accordance with federal regulations and Housing Authority policies. Document telephone, face-to-face contacts, and actions processed with factual statements on computerized notes in software system accessible by other departments.
37. Maintain monthly reports of residents receiving mandatory earned income disallowances and process recertification timely when disallowance elapses.
38. Perform supervisory reviews of at least 5% of files annually. Document results of reviews. Immediate resolution of discrepancies discovered in quality control reviews or audits.
39. Maintain reports and data as necessary for HUD's assessment programs.
40. Process and maintain monthly waiting list reports for each program and community in accordance with Housing Authority policies relevant to selection and ranking.
41. Track initial admissions for compliance with income targeting requirements and provide monthly report to Executive Director.
42. Under the direction of the Finance Department, accept public housing resident rent payments.
43. Submit monthly MINC reporting to the Rural Development Agency.



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44. Complete on-going reviews of forms, documents, procedures and policies. Revise as needed.

### SECTION 8 INSPECTIONS:

1. Contact appropriate person within 2 business days of move-in inspection request to arrange for an inspection appointment.
2. Schedule all initial move-in inspections within 7 calendar days of inspection request unless resident/landlord causes a delay.
3. Deny Request for Tenancy Approval if move-in inspection cannot be performed within 15 calendar days of inspection request. (The 15-day period is suspended for any period during which the unit is not for available for inspection.
4. Complete bi-annual inspections within 12 months of the most recently passed complete inspection.
5. Complete monthly quality control inspections on units which have passed inspection during the prior sixty day period achieving a yearly total of at least 5% of all units under contract.
6. Advise resident to contact property owner with complaint issues relative to Housing Quality Standards. Upon indication that property owner has failed to act, complete health/safety complaint inspections within 3 business days of complaint. Complete other complaint inspections within 5 business days.
7. Issue notification of HQS violations within 2 business days of completed inspections.
8. Issue Intent to Terminate HAP letters upon completion of 20-day abatement period. Issue termination of HAP upon completion of 30-day abatement period.
9. Issue Intent to Terminate Assistance to program participants who fail to cooperate with inspections within ten business days of documentation of failed cooperation.
10. Arrive at inspections timely as scheduled in advance by departmental staff and complete and submit inspection reports on a daily basis.
11. Enter passed inspection information in computer program software and file completed inspection reports in resident files within 5 business days.
12. Answer resident/owner questions and advise as necessary on needed correction of deficiencies.
13. Document rent reasonableness conditions on inspection report.
14. Review rent reasonableness survey on a bi-annual basis.

## TECHNICAL SERVICES

### CAPITAL FUND PROGRAM & DEVELOPMENT

1. Prepare and submit applications for CFP funding each year, and development funding as needed, in accordance with HUD requirements.
2. Prepare and assure compliance with an approved implementation schedule for each CFP and Development program funded.
3. Complete all emergency CFP work within 1 year from the date funded.
4. Obligate all CFP funds within 24 months and complete work within 3 years of funding.
5. Prepare specifications and bid documents in accordance with HUD requirements. Secure bids in accordance with the PHA procurement policy. Monitor construction, coordinating closely with contractors.
6. Complete all related paperwork; maintain complete and accurate CFP and Development files at all times.
7. Review payroll forms, conduct contractor interviews, process and authorize contract payouts.
8. Prepare narrative report and distribute by the 15th of each month; prepare Annual Performance & Evaluation Reports for CFP and submit with the PHA's Annual Plan.
9. Complete close-out documents for each contract as needed and complete program closeout within 4 years from date funded.
10. Coordinate all aspects of CFP & Development with other departments and with residents as needed.
11. Coordinate and maintain CFP and Maintenance data as necessary for HUD's programs of Public Housing and Section 8.

### PUBLIC HOUSING

1. Provide computer hardware, software and training support to Central Office and AMP staff on an on-going basis, including the design and retrieval of various data based reports.
2. Maintain a Maintenance Operations and Preventative Maintenance plan for all building systems

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within each AMP.

3. Maintain contract logs for all programs, certificates of insurance, grant program contractor payrolls and files in compliance with HUD and Davis Bacon requirements. Prepare detailed reports and distribute within specified time frames.
4. Provide support to the AMP staff with specific computer problems related to property management, UPACS inspections and unit management, including performing program updates, recommending program changes, diagnosing problems, troubleshooting, performing data entry and creating internal reports as required.
5. Oversee the recording and maintenance of the agency's security systems (door tabs & surveillance cameras) throughout the county.
6. Act as liaison with the Agency's housing specific software provider to stay current with new releases, updates and to resolve software issues that need attention.
7. Provide back-up support for the Network Administrator. Maintain and preserve data integrity and security.

## **INVENTORY & PURCHASING:**

1. Assist Asset Managers and Maintenance Foremen to maintain a minimum of 30 day stock at each site on all inventory items.
2. Assure strict compliance with the Authority procurement policy at all times.
3. Maintain a master list of all supplies of commonly-purchased items and supplies.
4. Secure a minimum of three prices for each purchase, annually.
5. Maintain AMP-based expense reports for materials for each site office.
6. Maintain a master list of all appliances by AMP and sub-development.
7. Maintain a master list of all capitalized items by AMP and sub-development.

## HALC UTILITY ALLOWANCE SCHEDULE

1. Prepare and distribute an RFP for utility allowance survey with vendors every five years.
2. Coordinate utility allowance update with vendors annually.
3. During the period of an Energy Performance Contract, coordinate with the contractor to update the Public Housing utility allowance annually.
4. If changes are needed in the Public Housing Program, notices and postings must be done in accordance with the lease and 24 CFR Subpart E 965.502 (c). Notice must be posted and given to each resident at least 60 days prior to the effective date, and residents must be given a 30 day comment period expiring not less than 30 days before the effective date. ICO needs to know the proposed allowances at least 60 days prior to effective date.
5. If changes are needed in the Voucher Program, no notices or postings are required. ICO needs to know the proposed allowances at least 60 days prior to the effective date.

## UPCS AND ANNUAL INSPECTIONS

### PUBLIC HOUSING

1. Coordinate UPCS inspection annually with vendors.
2. Provide inspection results to site offices the same day as inspection for emergencies and by the first Monday following the inspection for normal deficiencies.
3. Maintain a master inspection file for all Developments and provide copies of inspection letter to the site offices.

### FORN OF MANOR

1. Coordinate UPCS inspection annually with vendors.
2. Coordinate HQS inspection annually with vendors.
3. Provide inspection results to site office the same day as inspection for emergencies and by

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the first Monday following the inspection for normal deficiencies.

4. Maintain a master inspection file for both UPCS and HQS inspections. Provide a copy of HQS inspection to the site office and to the ICO Department.

### **RURAL DEVELOPMENT**

1. Coordinate HQS inspection annually with vendors.
2. Provide inspection results to site office the same day as inspection for emergencies and by the first Monday following the inspection for normal deficiencies.
3. Maintain a master inspection file and provide a copy of HQS inspection to site office and to the ICO Department.

### **SECTION 8**

1. Complete quality control inspections.
2. Provide backup to Section 8 inspector.



**Housing Needs of Families on the PHA's Waiting Lists**

Waiting List type: (select one)

- Section 8 tenant-based assistance
- Public Housing
- Combined Section 8 and Public Housing
- Public Housing Site-Based or sub-jurisdictional waiting list (optional)

If used, identify which development/subjurisdiction:

	# of families	% of total families	Annual turnover
Waiting list total	296	100	107
Extremely low income (<=30% AMI)	275	93	
Very low income (>30% but <=50% AMI)	17	6	
Low income (>50% but <80% AMI)	4	1	
Families with children	115	39	
Elderly families	24	8	
Families with Disabilities	52	18	
White Non-Hispanic	179	61	
Black	112	38	
Hispanic	16	5	
Other	1	1	

Characteristics by Bedroom Size (Public Housing Only)

1 BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			

Is the waiting list closed (select one)?  No  Yes PHA uses a lottery system to pull from waiting list. This report was run at very beginning of a new lottery pool application. The numbers will increase drastically in the next few months.

If yes:

How long has it been closed (# of months)?

Does the PHA expect to reopen the list in the PHA Plan year?  No  Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed?  
 No  Yes

**Housing Needs of Families on the PHA's Waiting Lists**

- Waiting List type: (select one)  
 Section 8 tenant-based assistance  
 Public Housing  
 Combined Section 8 and Public Housing  
 Public Housing Site-Based or sub-jurisdictional waiting list (optional)

If used, identify which development/sub jurisdiction:

	# of families	% of total families	Annual turnover
Waiting list total	851	100	229
Extremely low income (<=30% AMI)	798	94	
Very low income (>30% but <=50% AMI)	42	5	
Low income (>50% but <80% AMI)	10	1	
Families with children	511	60	
Elderly families	47	6	
Families with Disabilities	185	22	
White Non-Hispanic	500	59	
Black	351	41	
Hispanic	41	5	
Other	8	1	

Characteristics by Bedroom Size (Public Housing Only)			
1 BR	356	42	145
2 BR	330	39	46
3 BR	143	17	24
4 BR	10	1	13
5 BR	0	0	0
5+ BR	0	0	0

Is the waiting list closed (select one)?  No  Yes

If yes:

How long has it been closed (# of months)?

Does the PHA expect to reopen the list in the PHA Plan year?  No  Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed?  
 No  Yes