

Housing Choice Voucher (HCV) Resident Advisory Board (RAB) Meeting

Date: June 12, 2020

Time: 10:30 a.m.

Location: Teleconference (903) 405-2571

2020 FSS & HCV Annual Plan Updates

Revision of PHA Plan Elements:

1. Operation Management-
 - NA
2. Operation Management, Substantial Deviation, Significant Amendment/Modification-

Family Self-Sufficiency Program:

- Policy adjustment to the "FSS Escrow Account"
 - Final Disbursement of the escrow account:
 - Final disbursement of the FSS Escrow Account will be made to the FSS Head of Household when the participant completes the COP and can verify that no one in the household is receiving welfare, as defined by FSS guidelines (see Chapter 12: Contract Completion section below for more information and THA's FSS Program's definition of welfare).
Disbursements will be processed within 180 days from the date of program completion.

Housing Choice Voucher Program:

- Policy adjustment to "Statement of Policies and Objectives" p5
 - Mission Statement:
 - **To provide affordable housing opportunities for low-income households in Smith County in an environment that preserves personal dignity and in a manner, that maintains the public trust.**

o Local Goals:

1. PHA Goal: Expand the supply of assisted housing.
Objective: Increase housing choices for families and individuals, and
2. PHA Goal: Increase assisted housing choices.
Objective: Balance service delivery in all housing market areas.

THA is actively pursuing opportunities to expand housing choices for families and individuals. The THA uses various tools to expand these opportunities including but not limited to the Development of Community Partnerships and Tyler's Housing Infill Program (HIP). To that end, THA has multiple programs planned or underway which are as follows:

- A. Development of Partnership with the City of Tyler's Development Center by promoting incentives to local area builders for building decent and affordable homes for low to moderate-income families.
 - a. The incentive program provides incentives for builders to build homes in certain areas of the city.
Incentives include:
 - Waiver of re-zoning fees,
 - Waiver of plat fees,
 - Waiver of water and sewer tap fees, and
 - Waiver of building permit fees.
- B. Development of Partnerships with the Tyler Area Builders Association, Tyler Area Realtor's Association, Tyler Area Chamber of Commerce, Tyler Metro Chamber of Commerce and Tyler Area Landlord/ Broker Association for the promotion and development of new affordable housing stock to be developed and made available to low to moderate income families.
- C. Development of Partnerships with area financial institutions for financial education, information regarding special financial incentives and resources to be made available to low to moderate income families in order to assist with the purchase of homes.
- D. Utilization of the City of Tyler's HIP Program that has acquired properties through the Smith County Tax Foreclosure process. These properties are available for purchase, often at a substantially reduced price, to qualified individuals that may include developers, builders and low to moderate-income families. Priority is given to projects that intend to revitalize neighborhoods, provide affordable housing and stimulate economic development in the City of Tyler.

3. PHA Goal: Improve the quality of assisted housing.

Objective: Maintain safe, decent, sanitary units and improve quality of life for residents living in public housing developments.

THA is founded on the belief that decent, safe and sanitary housing is central to the physical and emotional health, the productivity and the self-esteem of the people it serves.

- A. THA is an active member of East Texas Human Needs Network's (ETHNN) Housing Council, which conducts community needs assessments related to homelessness, affordable housing, etc. One of the projects includes coordinated efforts with other entities to assist renters and tenants with the opportunity to attend specific courses that address maintaining a home, housekeeping skills, etc.
- B. A resource library will be created on THA's website for the purpose of providing information on how to properly clean, maintain and care for housing units.
- C. Housing Choice Voucher (HCV) program regulations set forth basic Housing Quality Standards (HQS), which all units must meet before assistance can be paid on behalf of a family and at least annually throughout the term of the assisted tenancy. THA will continue to perform HQS inspections to meet the criteria for the health and safety of program participants. THA will also participate in the Uniform Physical Condition Standards for Vouchers (UPCS-V) pilot program, which focuses on enhancing the accuracy, consistency and objectivity of the inspection process, and provide more information about the condition of individual housing units.

4. PHA Goal: Ensure equal opportunity and affirmatively further fair housing.
Objective: Promote equal housing opportunities.

- A. As a part of the partnership indicated in Section B.2 item (B), THA will work with said partners to access decent and sanitary housing in all areas and continue utilizing partnerships to market the HCV Program to new community developers in order to create a balanced housing stock throughout the community.
- B. Conduct ongoing fair housing training by professionals that is attended by all agency employees who are in direct contact with the public.

5. PHA Goal: Promote self-sufficiency and asset development of families and individuals.
Objective: Create additional economic independence opportunities for families and Individuals.

THA is dedicated to the promotion of independence and growth of its participants by providing and promoting programs that will assist participants in increasing their earnings and building assets and financial capability.

- A. THA seeks to provide the following:

- a. Structured goal planning;
 - b. Access to a variety of referrals for education-
 - GED/HS Diploma preparation services through community partners and free GED testing,
 - Literacy Assistance,
 - College readiness-
 - 1. FASFA,
 - a. Applying for college grants,
 - 2. SAT Preparation testing,
 - Business start-up;
 - c. Access to financial management classes and comprehensive credit counseling-
 - Access to credit reports and scores throughout enrollment in the program;
 - d. Job training and employment support-
 - Effective Job Search,
 - Creating an Attention-Grabbing Resume,
 - Interviewing Preparation,
 - Taking Initiative and Remaining Focused,
 - Dependability,
 - Problem Solving;
 - e. Assistance with Homeownership-
 - Homebuyer education,
 - Referrals to down payment assistance programs.
6. PHA Goal: Reconfigure existing facility and update equipment and software.
 Objective: Create an environment for citizens and employees that is safe, decent, sanitary and that combats the spread of contagious viruses.

Spray released by speaking is believed to be particularly likely to spread viruses; therefore, auditory and visual privacy must take on deeper importance and an increased priority.

- A. The most important and immediate measure THA will take is to reduce density of citizens and employees in one area. THA will explore bringing citizens and clients into the office (by appointment only) and into low-trafficked side rooms, pods or staging areas as opposed to routing deep into the office for

meetings and gatherings. Signage markings will be posted announcing adjusted maximum occupancy levels.

- B. THA will explore new technologies (software, equipment, etc.) allowing for virtual involvement and interaction between citizens and personnel. Hands-on team meetings, trainings, etc. may also be broken up into virtual and physical components, where only a limited number of persons gather in conference rooms and the others tune in and/or participate virtually from other locations throughout the facility and/or even remotely.
- C. Rather than investing in costly remodels THA will explore reconfiguring existing spaces in order to keep citizens and departmental personnel safe while also giving them the peace of mind as the agency basically plans for COVID-19 to be a potential part of our lives and the manner in which we provide services. Additional mitigation will be posted and can be found online (www.cityoftyler.org).

- Policy adjustment to “Purpose of Plan” p16
 - Operations and Management:
 - Assistance Check is the primary, electronic source and method for voucher holders to utilize when communicating with THA along with transmitting and receiving documents during annual re-exams.
- Policy adjustment to the "Applying for Admission” p26
 - Application Taking:
 - Any family requesting an application for Housing Choice Voucher Program assistance will be given the opportunity to apply as long as the waiting list is open and the PHA is accepting applications. Prior participation and owing the PHA money does not disqualify the applicant from applying; however, monies owed to the agency must be paid in full prior to the issuance of a voucher (if/when selected from the waiting list).
 - Applicant Status While on Waiting List:
 - Applicants are required to inform the PHA of changes of address through the use of Waitlist Check/ Assistance Check. Applicants are also required to respond to requests from the PHA to update information on their application and to determine their interest in assistance.
 - Order of Waiting List Selection:
 - When a person’s name is reached on the waiting list a letter will be uploaded through Assistance Check and/or mailed to the address that was provided on the pre-application, unless an updated address was provided, in writing.
 - Completion of Full Application:

- All adult family members are required to attend the interview **virtually and/or in person. Forms must be signed and uploaded through Assistance Check and/or mail**
 - Final Determination and Notification of Eligibility:
 - If the family is determined to be eligible, the PHA will **upload through Assistance Check and/or** mail a notification of eligibility.
- Policy adjustment to the "Maintaining the Waiting List" p31
 - Waiting List:
 - When the City of Tyler opens its Waiting List, a computer generated lottery selection will be used from Housing Pro software for **a specified number of slots (determined by THA when the waiting list is opened) to be placed** on the active list.
- Policy adjustment to Subsidy Standards p39
 - Under-housed Families
 - Family requires the additional bedroom because of a health problem, which has been verified by the PHA.

NOTE: There are situations where certain conditions do not require the continued use of certain equipment that may not warrant an indefinite necessity of an additional bedroom. HUD has an expectation of every housing authority/ agency to review requests such as this to ensure federal funds are being maximized to its fullest extent in all areas related to housing while also assisting as many citizens as possible with the opportunity of participating in the subsidy program. Requests for updated reasonable accommodation information may be asked by THA in order to verify the continued use/need of an additional bedroom previously requested for medical-related equipment.
- Policy adjustment to Factors Related to Total Tenant Payment and Family share Determination p52
 - Minimum Income:
 - PHA will enroll all 0 (zero) earned income Head of Household, Spouse, Co-Heads and adult family members 18 (eighteen) years and older (not currently enrolled as a full-time student) in Workforce Solutions Job Seeker Program. Verification of attendance in job readiness sessions is required. Families will receive an initial notice from the PHA at least 15 (fifteen) days prior to enrollment in the Job Seeker Program, which must be completed within 90 (ninety) calendar days of the date the letter is **uploaded through Assistance Check and/or mailed.**
- Policy adjustment to Verification Procedures p63
 - Computer Matching:
 - After 40 (forty) days following the date of notification, the PHA will contact the tenant **through Assistance Check and/or** by mail or telephone asking the family to promptly furnish any letter or other notice by HUD concerning the amount

or verification of family income. The PHA will fully document the contact in the tenant's file, including a copy of the letter to the family or written documentation of phone call.

- Policy adjustment to Voucher Issuance and Briefing p84

- Issuance of Voucher:

- Participants must register to use Assistance Check and utilize as the primary, electronic source of transmitting data/information in lieu of paper and postal mail.

New participants enrolled after April 27, 2020 must be in compliance at the time of enrollment and existing participants must be in compliance by September 30, 2020.

- Briefing Types and Required Attendance:

- A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings may be conducted virtually through teleconference or WebEx by Housing Specialists. Materials may also be made available and/or provided online or uploaded through Assistance Check.

- Policy adjustment to Request for Tenancy Approval and Contract Execution p97

- Contract execution process:

- Owners must register to use Assistance Check and utilize as the primary, electronic source of transmitting data/information in lieu of paper and postal mail.
 - New participating property owners enrolled after April 27, 2020 must be in compliance at the time of enrollment and existing property owners must be in compliance by September 30, 2020.

- Policy adjustment to Housing Quality Standards and Inspections p101

- Annual HQS Inspections:

- Inspection: The family is notified of the date and time of the inspection appointment through Assistance Check and/or by mail or phone. The owner will be notified via Assistance Check from Housing Pro Software of all inspection notifications. If the family does not contact the PHA to reschedule the inspection, or if the family misses 2 (two) inspection appointments, the PHA will consider the family to have violated a family obligation and their assistance will be terminated in accordance with the termination procedures in the plan.
 - Re-inspection: The family and owner are provided a notice of the inspection appointment through Assistance Check and/or by mail. If the family is not at home for the re-inspection appointment, a card will be left at the unit with instructions to call the office to re-schedule.

- Policy adjustment to Owner Rents, Rent Reasonableness and Payment Standards p107, 112
 - Rent to Owner in the Housing Choice Voucher Program & **Owner Payment in the Housing Choice Voucher Program**
 - **It is the practice of THA to request of participating owners to limit all necessary rental increases to a maximum of five percent or below**

- Policy adjustment to Recertifications p113
 - Annual Activities:
 - It EIV Check: Run a EIV report at the time of the annual to determine and/or discuss any income discrepancies with the client(s),
NOTE: EIV reports may be run and EIV reviews may performed as necessary based on HUD's expectation of agencies to use the EIV income

 - Reexamination Notice to the Family: p114
 - The PHA will maintain a reexamination tracking system and the household will be **notified through Assistance Check** of the date and time for their interview at least 120 (one hundred twenty) days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format **and/or mail** the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

 - **NOTE: Assistance Check is the agency's primary method of communicating with HCV participants and owners. Forms, documents, letters, inquires, supporting documentation, etc. can be transmitted electronically between THA, participants and owners. If there are circumstances that limit a participant or owner's ability to utilize Assistance Check.com, THA will review on a case-by-case basis and may accept an alternative method of transmitting forms, documents, letters, inquires, supporting documentation.**

 - **Person with Disabilities:**
 - Persons with disabilities who are **unable to comply with the transmittal of information to THA electronically through Assistance Check** **the person(s) will** be granted an accommodation by conducting the interview **virtually and/or** with a person designated to act on their behalf. Owners/agents cannot act as designees or if there is not a designee the recertification package will be mailed. Upon verification that the accommodation requested meets the need presented by the disability.

 - Collection of Information:
 - The PHA has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

- The PHA representative will interview the family and enter the information provided by the family on the recertification form or in the computer; review the information with the family and have them sign the application and any other necessary documents. **Assistance Check is the primary source and method for voucher holders to utilize when communicating with THA along with transmitting and receiving documents during annual re-exams.**
- Requirements to Attend :
 - The following family members will be required to **return all requested forms and supporting documentation through Assistance check and** attend the recertification interview **virtually.**
- Documentation of all Income:
 - Clients will be provided with a request for additional documentation form if they fail to provide information at the annual appointment. If documents are not received by the first week of the following month, a reminder letter will be **uploaded through Assistance Check and/or** mailed by the caseworker. If documentation is not received within 30 (thirty) days, a final termination will be **uploaded through Assistance Check and/or mailed.**
- Tenant Rent Increases:
 - If tenant rent increases, notice is **uploaded through Assistance Check and/or** mailed to the family at least 14 (fourteen) days prior to the scheduled effective date of the annual recertification.
- Notifications of Results of Recertifications
 - HUD form 50058 will be completed and transmitted as required by HUD.
 - The Notice of Rent Change is **uploaded through Assistance Check and/or** mailed to the owner and the tenant. Signatures are required by the PHA. If the family disagrees with the rent adjustments, they may request an informal hearing.
- Policy adjustment to Moves with Continued Assistance/ Portability p125
 - Outgoing Portability
 - Within the limitations of the regulations and this policy, a participant family has the right to receive housing choice voucher assistance to lease a unit outside the PHA's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a housing voucher program. When a family requests to move outside of the PHA's jurisdiction, the request must specify the area to which the family wants to move.

THA will not overlap HAP between landlords nor pro-rate HAP for participants who choose to port to other areas after THA has issued HAP to an owner for the current month. THA will **not issue HAP for any day prior to the participant's move out date.**

If special circumstances arise with the participant and receiving PHA, THA will review on a case by case basis and may choose to issue pro-rated HAP to the new owner which may overlap HAP for the month when the family moved out of the old unit and the first HAP for the new unit. This is not considered duplicate housing subsidy; however, overlapping HAP payments are not allowed if the owner of the new unit and the previous unit is the same.

○ Incoming Portability p127

▪ Annual Reexamination:

- An annual recertification will be scheduled, unless a recertification has occurred in the last 60 (sixty) days and the anniversary date will be changed. The PHA will maintain a reexamination tracking system and the household will be **notified through Assistance Check and/or by mail** of the date and time for their interview at least 120 (one hundred twenty) days in advance of the anniversary date.

▪ Violence Against Women Act p128

THA collaborates with local law enforcement to determine the needs of the residents and community, working towards a mutual goal of ensuring and improving the safety of residents. THA has undertaken partnerships with local organizations to enable THA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault or stalking.

Measures taken by THA include:

- Partnership with law enforcement to analyze crime statistics over time for crimes committed,
- Partnership with local shelters and non-profit agencies to educate and increase awareness within the community

THA has developed policies and procedures to implement the requirements of VAWA. The victim or threatened victim of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease, and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence. THA may terminate the assistance/tenancy to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants. THA may honor court orders regarding the rights of access or control of the property and orders issued to protect the victim and to address the distribution or possession of property among household members where the family "breaks up". There is no limitation on the ability of THA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, or stalking, other than the victim may not be subject to a "more demanding

standard” than non-victims may. There is no prohibition on THA terminating assistance if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant’s (victim’s) assistance is not terminated”. Any protections provided by law which give greater protection to the victim are not superseded by these provisions. THA may require certification by the victim of victim status on such forms as THA and/or HUD shall prescribe or approve.

- THA supports the goals of the VAWA Amendments and will comply with its requirements and will continue to administer its housing programs in ways that support and protect residents (including Section 8 Housing Choice Voucher program participants) and applicants who may be victims of domestic violence, dating violence, sexual assault or stalking.
 - An emergency transfer plan facilitates a move with continued assistance, by awarding health and safety preferences to qualifying participants threatened with imminent harm.
 - THA will not take any adverse action against a resident/participant or applicant solely based on her or his being a victim of such criminal activity, including threats of such activity. “Adverse action” in this context includes denial or termination of housing assistance.
 - THA will not subject a victim of domestic violence, dating violence, sexual assault or stalking to a more demanding standard for lease compliance than other residents.
- Policy adjustment to Program Integrity Addendum p172
 - **Criteria for Investigation of Suspected Abuse and Fraud**
 - Referrals, Complaints, or Tips. The PHA will follow up on referrals received by **electronic and/or postal** mail, by telephone, or in person from other agencies, companies or persons alleging that a family is in noncompliance with or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.
 - Policy adjustment (addition) of Violence Against Women Act (VAWA) p178

I. PURPOSE AND APPLICABILITY

The purpose of this policy (herein called “Policy”) is to implement the applicable revisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) and more generally to set forth THA’s policies and procedures regarding domestic violence, dating violence, sexual assault and stalking, as hereinafter defined.

This Policy shall be applicable to the administration by THA of all federally subsidized public housing, Section 8 rental assistance and Special Programs under the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.). Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, sexual assault or stalking as well as female victims of such violence.

II. GOALS AND OBJECTIVES

This Policy has the following principal goals and objectives: A. Maintaining compliance with all applicable legal requirements imposed by VAWA;

B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault, or stalking who are assisted by THA.

C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault, or stalking;

D. Creating and maintaining collaborative arrangements between THA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence, sexual assault, or stalking, who are assisted by THA; and

D. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, affecting individuals assisted by THA.

III. OTHER THA POLICIES AND PROCEDURES

This Policy shall be referenced in and attached to THA's Five-Year Public Housing Agency Plan and shall be incorporated in and made a part of THA's Housing Choice Voucher Program Administrative Plan. THA's annual housing agency plan shall also contain information concerning THA's activities, services, or programs relating to domestic violence, dating violence, sexual assault, and stalking.

To the extent any provision of the policy shall vary or contradict any previously adopted policy or procedure of THA, the provisions of this Policy shall prevail.

IV. DEFINITIONS

As used in this Policy:

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

B. 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:

(a) The length of the relationship.

(b) The type of relationship.

(c) The frequency of interaction between the persons involved in the relationship.

C. Sexual Assault – means any nonconsensual sexual act proscribed by Federal, tribal or State law, including when the individual lacks capacity to consent.

D. Stalking – means –

(1) (a) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and

(b) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

(2) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to –

(a) that person;

(b) a person affiliated with that person; or

(c) the spouse or intimate partner of that person;

E. Affiliated individual – means, with respect to a person – (1) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or

(2) any other person living in the household of that person

F. Perpetrator – means person who commits acts of domestic violence, dating violence, sexual assault, or stalking against a victim.

V. ADMISSIONS AND SCREENING

A. Non-Denial of Assistance. THA will not deny admission into the Housing Choice Voucher Program to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, provided that such person is otherwise qualified for admission.

B. Mitigation of Disqualifying Information. When so requested in writing by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, THA, may but shall not be obligated to, take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, THA shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information. THA will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

IV. TERMINATION OF TENANCY OR ASSISTANCE

A. VAWA Protections. Public housing residents, persons assisted under the Housing Choice Voucher rental assistance program, and persons assisted in Special Programs have the following specific protections, which will be observed by THA:

(1) An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

(2) In addition to the foregoing, tenancy of assistance will not be terminated by THA as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence, sexual assault, or stalking engaged in by a member of the assisted household, a guest or another person under the tenant’s control, and the tenant or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

(a) Nothing contained in the paragraph shall limit any otherwise available authority of THA, a Housing Choice Voucher Assistance, or Special Programs owner or manager to terminate tenancy, evict, or to terminate assistance, as the case may be, for

any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, sexual assault, or stalking in question against the tenant or a member of the tenant's household. However, in taking any such action, neither THA, a Housing Choice Voucher, nor Special Programs manager or owner may apply a more demanding standard to the victim of domestic violence, dating violence, sexual assault or stalking than that applied to other tenants.

(b) Nothing contained in this paragraph shall be construed to limit the authority of THA, a Housing Choice Voucher, or Special Programs owner or manager to evict or terminate from assistance any tenant or lawful applicant if the owner, manager, or THA, as the case may be, can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from the assistance.

B. Removal of the Perpetrator. Further, notwithstanding anything in paragraph VI.A.2. or Federal, State, or local law to the contrary, THA or a Housing Choice Voucher or Special Programs owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by THA. Leases used for all public housing operated by THA and, at the option of Housing Choice Voucher or Special Programs owners or managers, leases for dwelling units occupied by families assisted with rental assistance administered by THA, shall contain provisions setting forth the substance of this paragraph.

VII. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

A. Requirement for Verification. The law allows, but does not require, THA or a Housing Choice Voucher or Shelter + Care owner or manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in the policy. Subject only to waiver as provided in paragraph VII.C., THA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by THA or Housing Choice Voucher or Special Programs owners or managers receiving rental assistance administered by THA may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident of incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may be accomplished in one of the following three ways:

(1) HUD-approved form – by providing to THA or to the requesting Housing Choice Voucher or Special Programs owner or manager a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the

individual is a victim of domestic violence, dating violence, sexual assault or stalking that the incident or incidents in questions are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definitions(s) set forth in this policy. The incident or incidents in questions must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator only if it is safe to do so or is known to the victim.

(2) Other documentation – by providing to THA or to the requesting Housing Choice Voucher or Special Programs owner or manager documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence, sexual assault or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.

(3) Police or court record – by providing to THA or to the requesting Housing Choice Voucher Program owner or manager a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

B. Time allowed to provide verification / failure to provide. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking, and who is requested by THA or a Housing Choice Voucher or Special Programs owner or manager to provide verification, must provide such verification within 14 business days (i.e., 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

C. Waiver of verification requirement. THA may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim’s statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Tyler City Council, owner or manager. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

VIII. CONFIDENTIALITY

A. Right of confidentiality. All information (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking) provided to THA in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:

(1) requested or consented to by the individual in writing, or

(2) required for use in a public housing eviction proceeding or in connection with termination of Housing Choice Voucher or Special Programs assistance, as permitted in VAWA, or

(3) otherwise required by applicable law.

B. Notification of rights. All tenants of public housing and tenants participating in the rental assistance program administered by THA shall be notified in writing concerning their rights to confidentiality and the limits on such rights to confidentiality.

IX. TRANSFER TO NEW RESIDENCE

A. Application for transfer. In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, dating violence, sexual assault, or stalking, THA will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by Housing Choice Voucher Program tenant to a different unit in order to reduce the level of risk to the individual. A tenant who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the tenant or another member of the household who is or was the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

B. Action on applications. THA will act upon such an application promptly.

C. No right to transfer. THA will make every effort to accommodate requests for transfer when suitable alternative vacant units are not available and the circumstances warrant such action. However, except with respect to portability of Housing Choice Voucher assistance as provided in paragraph IX.E. below the decision to grant or refuse to grant a transfer shall lie within the sole discretion of THA, and this policy does not create any right on the part of any applicant to be granted a transfer.

D. Family rent obligations. If a family moves before the expiration of the lease term in order to protect the health or safety of a household member, the family will remain liable for the rent during the remainder of the lease term unless released by THA.

E. Portability. Notwithstanding the foregoing, a HCV-assisted tenant will not be denied portability to a unit located in another jurisdiction (notwithstanding the term of the tenant's existing lease has not expired, or the family has not occupied the unit for 12 months) so long as the tenant has complied with all other requirements of the Housing Choice Voucher program and has moved from the unit in order to protect the health or safety of an individual member of the household who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

X. COURT ORDERS / FAMILY BREAK-UP

A. Court orders. It is THA's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by THA and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

B. Family break-up. Other THA policies regarding family break-up are contained in THA's HCV Administrative Plan.

XI. RELATIONSHIPS WITH SERVICE PROVIDERS

It is the policy of THA to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If THA staff become aware that an individual assisted by THA is a victim of domestic violence, dating violence, sexual assault or stalking, THA will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring THA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence or to make a referral in any particular case. THA's annual public housing agency plan shall describe providers of shelter or services to victims of domestic violence with which THA has referral or other cooperative relationships.

XII. NOTIFICATION

THA shall provide written notification to applicants, tenants and Housing Choice Voucher Program owners concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance, and termination of tenancy or assistance.

XIII. RELATIONSHIP WITH OTHER APPLICABLE LAWS

Neither THA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence, sexual assault or stalking.

XIV. AMENDMENT

This policy may be amended from time to time by THA as approved by Tyler's City Council.