

5-Year PHA Plan (for All 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-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A.	PHA Information.																																
A.1	<p>PHA Name: _____ PHA Code: _____</p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): _____</p> <p>PHA Plan Submission Type: <input type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p>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 on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p>The Plan is readily available to the public at our office located at: 22941 Atherton Street Hayward, CA 94541-6633</p> <p>This Plan can also be found on HACA's website at: www.haca.net</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1"><thead><tr><th rowspan="2">Participating PHAs</th><th rowspan="2">PHA Code</th><th rowspan="2">Program(s) in the Consortia</th><th rowspan="2">Program(s) not in the Consortia</th><th colspan="2">No. of Units in Each Program</th></tr><tr><th>PH</th><th>HCV</th></tr></thead><tbody><tr><td>Lead PHA:</td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></tbody></table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
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B.	5-Year Plan. Required for all PHAs completing this form.
B.1	Mission. State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years.
B.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.
B.3	Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.
B.4	Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.
B.5	Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.
B.6	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
B.7	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i> , must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

Instructions for Preparation of Form HUD-50075-5Y

5-Year PHA Plan for All PHAs

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

- A.1** Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table.

B. 5-Year Plan.

- B.1 Mission.** State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years. ([24 CFR §903.6\(a\)\(1\)](#))

- B.2 Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. ([24 CFR §903.6\(b\)\(1\)](#)) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA's 5-Year Plan.

- B.3 Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. ([24 CFR §903.6\(b\)\(2\)](#))

- B.4 Violence Against Women Act (VAWA) Goals.** Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. ([24 CFR §903.6\(a\)\(3\)](#))

- B.5 Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

B.6 Resident Advisory Board (RAB) comments.

- (a) Did the public or RAB provide comments?
- (b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.17\(a\)](#), [24 CFR §903.19](#))

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

Attachment B.2

Goals and Objectives

Below describes HACA's quantifiable goals and objectives that will enable it to serve the needs of low-income, very low-income, and extremely low-income families for the next five years.

1. **Goal:** Maintain, improve, and implement HACA policy that supports affordable housing and fair housing.
 - a) **Objective:** Promote fair housing enforcement and outreach by providing fair housing materials to program participants through the distribution of flyers, pamphlets, website postings, and other marketing activities. Work with fair housing organizations as applicable.
 - b) **Objective:** Strive to meet HACA's nine regional fair housing goals under Alameda County's *Regional Analysis of Impediments to Fair Housing Choice (2020-2025)*. These goals include:
 - **Regional Policy 1:** Promote fair housing enforcement and outreach.
 - Provide fair housing marketing materials to program participants through the distribution of flyers, pamphlets, website postings, and other marketing activities. Work with fair housing organizations as applicable.
 - **Regional Policy 2:** Maintain, improve, and implement local policy that supports affordable housing and fair housing.
 - Incorporate these regional goals into HACA's Annual Plan and 5-Year Plan.
 - 1) Work with the other housing authorities in the Oakland-Fremont HUD FMR area to evaluate the need to conduct a fair market rent study when new annual FMRs are issued.
 - 2) Work with the other housing authorities in the Oakland-Fremont HUD FMR area to commission a fair market rent study if such a study is warranted based on its evaluation.
 - 3) Continue to work with HUD and the other local housing authorities to evaluate and suggest refinements to the FMR methodology.
 - **Regional Policy 3:** Promote and implement new fair housing laws that protect recipients of rental subsidies from discrimination by landlords.
 - Implement SB 329 by raising awareness to landlords and program participants through landlord workshops, HACA's website, and self-service portals.
 - **Regional Policy 4:** Preserve and rehabilitate existing affordable housing stock.
 - Commit approximately \$2 million for the complete interior rehabilitation of up to 50 of HACA's/PACH's senior housing units
 - **Regional Policy 5:** Increase the number of affordable housing units.
 - Continue to support Project-Based Voucher (PBV) developments and, depending on available HCV funding, issue up to 350 new PBVs targeted to seniors, persons with disabilities, the homeless, veterans, and families, including large families, within the next 5 years. The cities of Albany, Emeryville, Dublin, Fremont, Hayward, Newark, Pleasanton, San

Leandro, and Union City as well as the unincorporated communities of Castro Valley and San Lorenzo and unincorporated Alameda County are currently identified locations.

- **Regional Policy 6:** Increase homeownership among low- and moderate-income households.
 - Continue to provide 50 Family Self-Sufficiency (FSS) program participants with two financial literacy and homebuyer education classes.
- **Regional Policy 7:** Maintain and expand supportive services for lower-income households.
 - Continue to provide 50 Family-Self Sufficiency (FSS) program participants with job training referrals and career networking.
 - Provide rental subsidies to persons experiencing homelessness through the following programs: Section 8 Project Based Vouchers (PBV) where units are designated for homeless persons, Mainstream Vouchers either made available directly to persons experiencing homeless or to serve “move-up” participants in Permanent Supportive Housing, Veterans Affairs Supportive Housing (VASH) vouchers, and Foster Youth Initiative (FYI) vouchers, as funding is available.
- **Regional Policy 8:** Maintain and expand awareness of affordable housing opportunities and services through marketing efforts.
 - Continue to advertise available rental units through HACA’s website and GoSection8 for Section 8 program participants.
 - Continue to provide program materials in multiple languages upon request. HACA has Spanish, Chinese, Vietnamese, Farsi and Tagalog speakers on staff and contracts with Language Line for other languages and for backup services.
- **Regional Goal 9:** Continue to find ways to finance affordable housing, community development, and economic development activities.
 - Evaluate any new funding HUD makes available to housing authorities and apply for such funding if applicable. Continue to pursue funding for the Mainstream Voucher, Non-Elderly Disabled (NED), Project Based Voucher (PBV), Veterans Affairs Supportive Housing (VASH), and Foster Youth Initiative (FYI) programs as HUD makes funding available.

2. **Goal:** Expand the supply of assisted housing.

- a) **Objective:** Continue to support Project-Based Voucher (PBV) developments and, depending on available HCV funding, issue up to 350 new PBVs targeted to seniors, persons with disabilities, the homeless, veterans, and families, including large families, within the next 5 years. The cities of Albany, Emeryville, Dublin, Fremont, Hayward, Newark, Pleasanton, San Leandro, and Union City as well as the unincorporated communities of Castro Valley and San Lorenzo and unincorporated Alameda County are currently identified locations.
- b) **Objective:** Provide rental subsidies to persons experiencing homelessness through the following programs: Section 8 Project Based Vouchers (PBV) where units are designated for homeless persons, Mainstream Vouchers either made available directly to persons experiencing homeless or to serve “move-up” participants in

- Permanent Supportive Housing, Veterans Affairs Supportive Housing (VASH) vouchers, and Foster Youth Initiative (FYI) vouchers, as funding is available.
- c) **Objective:** Evaluate opportunities to partner with affordable housing developers to help ensure availability of units to the HCV Program and an increase in affordable units in general. Enter into partnerships where feasible.
3. **Goal:** Increase operational efficiency and effectiveness.
 - a) **Objective:** Evaluate and update policies and procedures, including HCV policies and procedures, to ensure compliance, consistency, and efficiency in operations.
 - b) **Objective:** Maintain HACA's SEMAP High Performer ranking.
 - c) **Objective:** Ensure the ongoing financial viability of HACA as a functioning entity by regularly updating and analyzing HUD's Two Year Tool.
 - d) **Objective:** Explore and evaluate opportunities to convert to a more powerful enterprise housing software platform, if feasible.
 - e) **Objective:** as part of a new housing software, establish the ability for tenants and applicants to update their information on line directly, including annual recertifications.
 4. **Goal:** Preserve and rehabilitate HACA's/PACH's existing affordable housing stock.
 - a) **Objective:** Commit approximately \$2 million for the complete interior rehabilitation of up to 50 of HACA's/PACH's senior housing units.
 - b) **Objective:** Undertake renovation of units upon turnover.
 - c) **Objective:** Implement the repairs and rehabilitation reflected in the Physical Condition Assessment for HACA's/PACH's units.
 5. **Goal:** Validate the cost-effectiveness of the HACA Family Self-Sufficiency (FSS) Program. (The FSS Program is designed to increase employment and earnings and reduce reliance on government subsidies).
 - a) **Objective:** As part of HUD's ongoing national assessment of the FSS Program, MDRC (the former Manpower Demonstration Research Corporation), in partnership with HACA, is conducting a cost/benefit analysis of the HACA FSS Program.
 6. **Goal:** Assist as many qualified families as possible within available staff and financial resources.
 - a) **Objective:** Achieve and maintain over 98% utilization of either HACA's HCV Annual Contributions Contract (ACC) units or HCV funding.
 - b) **Objective:** Continue to support and expand HACA's FSS Home Ownership Program.
 - c) **Objective:** Continue to voluntarily administer the FSS program upon conclusion of HACA's mandatory requirement.
 7. **Goal:** Enhance business continuity capabilities in order to ensure that HACA's operations and core business functions are not severely impacted in the event of an emergency or disaster
 - a) **Objective:** Replace existing hardware-based systems with cloud-based solutions as deemed necessary to ensure the preservation of essential operating systems.

- b) **Objective:** Update HACA's Continuity of Operations Plan as deemed necessary.

Attachment B.3

Progress Report

Below states the progress HACA has made in meeting its goals and objectives described in the previous 5-Year Plan, FY 2015-2020.

1. **Goal 5.2.1:** Preserve the long-term financial viability of HACA's remaining 72 PH units.
 - a) **Goal met:** HACA accomplished this in April 2016 by converting the units to project-based vouchers under HUD's RAD program.
2. **Goal 5.2.2:** Expand the supply of assisted housing.
 - a) **Goal met:** HACA accomplished this through the commitment and issuance of project-based vouchers and by applying for HUD funding such as HUD-VASH, Foster Youth Initiative and Mainstream, when available. Last fiscal year HACA was awarded 83 Mainstream vouchers for the non-elderly disabled who are homeless, at risk of homelessness, at risk of institutionalization or coming out of an institution and another 62 vouchers this fiscal year. In addition, HACA was awarded 25 Foster Youth Initiative (FYI) vouchers for young adults under the age of 25 who are, or have recently left, the foster care system and are homeless or at risk of becoming homeless.

HACA currently has 643 project-based units in addition to the RAD units. For the Fiscal Year 2016-2017, HACA project-based 25 units in the City of Fremont for Veterans, 25 units in the City of Dublin for Veterans and 50 units in the City of Pleasanton for the elderly.

For the Fiscal Year 2018-2019, HACA project-based 30 units in the city of Fremont for the elderly, 20 units in the City of Fremont for families, 62 units in the City of San Leandro for the elderly, and 4 units in the City of Hayward for persons with disabilities. Additionally, HACA committed to project-basing up to 10 units in the City of Fremont for Veterans and 25 units in the City of San Leandro for Veterans. These projects are projected to complete construction and lease up in 2021.

For the Fiscal Year 2019-2020, HACA project-based 12 units in the City of Fremont for families and for persons with disabilities.

HACA did not project-base any units during Fiscal Years 2015-2016 and 2017-2018.

3. **Goal 5.2.3:** Increase access to available housing assistance and increase the likelihood that applicants reflect current, rather than past, need.
 - a) **Goal met through different objective:** HACA is not currently pursuing the implementation of a regional housing assistance waitlist due to the extremely high cost of development that exceeds HACA's resources and capacity. However, HACA has continued to revise its preferences to better increase access to available assistance based on local needs.

4. **Goal 5.2.4:** Validate the cost-effectiveness of the HACA Family Self-Sufficiency (FSS) Program.
 - a) **Goal continuing through FY 2020-2021:** As part of a multi-year national assessment undertaken by HUD's contracted consultant, MDRC, the study has been extended through FY 2020-2021.
5. **Goal 5.2.5:** Assist as many qualified families as possible.
 - a) **Goal met:** HACA transitioned into a new enterprise housing software platform in September 2017. Although conversion issues with the new software are continuing, HACA has been able to increase operational efficiency and effectiveness of its HCV program by improving its reporting capabilities, utilizing online portal applications, increasing data accessibility, and streamlining housing and subsidy management operations. HACA uses 98-100% of its budget authority to assist Housing Choice Voucher participants.
6. **Goal 5.2.6:** Fully implement the Violence Against Women Act.
 - a) **Goal met:** HACA has updated its Administrative Plan to reflect HUD's latest guidance; notified landlords and participants of their rights, responsibilities, and obligations; developed implementation procedures; and trained staff on procedures and requirements.

Attachment B.4

Violence Against Women Act (VAWA) Goals

In order to better serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking, HACA has established the following goals and objectives:

Goal: Support the right of program participants to enjoy the benefits of the assistance programs administered by HACA free of domestic violence, dating violence, sexual assault, and stalking.

Objective: Fully implement all relevant provisions of the Violence Against Women Act.

See attachment **B.4.A** for an index of HACA's VAWA policies.

Attachment B.4.A

Index of VAWA Policies

**Housing Authority of the County of Alameda (HACA) Housing Choice Voucher Program, Administrative
Plan**

Chapter 16 — Program Administration

**PART IX: Violence Against Women ACT (VAWA): Notification, Documentation, Confidentiality
Page(s) 16-42 to 16-75**

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 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 person, or an individual to whom that person stands in the position or place of a parent; or
 - Any other person, 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.

HACA Policy

HACA 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), Notice PIH 2017-08]

PHAs are required to inform applicants and program 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.

HACA Policy

HACA will provide applicants with information about VAWA no later than at the time they are provided assistance or admitted (see section 5-I.B). HACA will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).

HACA 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 notice in Exhibit 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.

HACA Policy

Whenever an individual staff member 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 by having the victim come to HACA's office, making reasonable accommodations as necessary. For example, HACA may decide not to send mail regarding VAWA protections to the victim's unit if HACA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, HACA 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.

HACA Policy

HACA will notify owners and managers about their rights and obligations under VAWA when they begin their participation in the program.

HACA will provide owners and managers with the link to its website and indicate that Exhibit 16-5 and a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, and Stalking and Alternate Documentation, are available on the website.

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].

HACA 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.

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

Once the victim provides documentation, HACA will acknowledge receipt of the documentation in a timely manner.

In cases where HACA does not request documentation (e.g. HACA was aware of the abuse and encouraged the victim to request VAWA protections), HACA will document,

in a confidential manner, the individual's verbal statement or other corroborating evidence.

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.

HACA Policy

If presented with conflicting certification documents from members of the same household, HACA 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, HACA will provide contact information for local domestic violence resources. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If HACA does not receive third-party documentation within the required timeframe (and any extensions) HACA 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, HACA 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.

HACA Policy

If HACA accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, sexual assault, or stalking, HACA 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, 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.

HACA Policy

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

EXHIBIT 16-1: NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380

Housing Authority of the County of Alameda

Notice of Occupancy Rights under the Violence Against Women Act¹

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.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Housing Authority of the County of Alameda (HACA) is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

Protections for Applicants

If you otherwise qualify for assistance under the Section 8 Housing Choice Voucher, Project-Based Voucher, Rental Assistance Demonstration, or Moderate Rehabilitation 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.

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

² Housing providers cannot discriminate on the basis of any protected 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.

Protections for Tenants

If you are receiving assistance under the Section 8 Housing Choice Voucher, Project-Based Voucher, Rental Assistance Demonstration, or Moderate Rehabilitation 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 the Section 8 Housing Choice Voucher, Project-Based Voucher, Rental Assistance Demonstration, or Moderate Rehabilitation programs solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

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

Removing the Abuser or Perpetrator from the Household

Your landlord 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 your landlord chooses to remove the abuser or perpetrator, the landlord 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 rental assistance program, the landlord 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, the landlord must follow Federal, State, and local eviction procedures. In order to divide a lease, the landlord 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, HACA 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, HACA 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, HACA 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 HACA does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, HACA may ask you for such documentation, as described in the documentation section below.

2. You expressly request the emergency transfer. HACA 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.

HACA 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.

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

HACA 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 HACA must be in writing, and HACA 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. HACA 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 HACA as documentation. It is your choice which of the following to submit if HACA 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 HACA 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 HACA has agreed to accept.

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

If HACA 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), HACA 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, HACA does not have to provide you with the protections contained in this notice.

Confidentiality

HACA 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.

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

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

- You give written permission to HACA to release the information on a time limited basis.
- HACA 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 its programs.
- A law requires HACA or your landlord to release the information.

VAWA does not limit HACA'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, HACA 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 HACA 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 HACA can demonstrate the above, HACA 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 (HACA's or your landlord's) violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Department of Housing and Urban Development, One Sansome Street, Suite 1200, San Francisco, CA 94104. Phone (415) 489-6400. Fax: (415) 489-6419. TTY: (800) 877-8339.

For Additional Information

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

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

For questions regarding VAWA, please contact HACA's Tenant Team at 1-510-538-8876, option 3 or at tenantteam@haca.net.

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 Alameda County Family Justice Center at 1-510-267-8800.

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 and stalking seeking help, you may contact Alameda County Family Justice Center at 1-510-267-8800.

Attachment: Certification form HUD-5382

EXHIBIT 16-2: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION, FORM HUD-5382
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**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing
and Urban Development**

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

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

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

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

- (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: HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA
EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING
HOUSING CHOICE VOUCHER (HCV), PROJECT-BASED VOUCHER (PBV), AND
MODERATE REHABILITATION (MR) PROGRAMS**

Attachment: Emergency Transfer Request form HUD-5383

HOUSING AUTHORITY OF THE COUNTY OF ALAMEDA

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual
Assault, or Stalking
Housing Choice Voucher (HCV), Project-Based Voucher (PBV), and Moderate
Rehabilitation (MR) Programs**

Emergency Transfers

The Housing Authority of the County of Alameda (HACA) 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),¹ HACA 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.² The ability of HACA 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 HACA 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. It 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 HACA is in compliance with VAWA.

For the HCV and PBV programs, HACA is responsible for implementing the emergency transfer plan. For the MR program, the owner is responsible for implementing the emergency transfer plan. If the MR owner already has an emergency transfer plan in place, that emergency transfer plan will supersede this emergency transfer plan.

¹Despite 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.

²Housing 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.

HACA and MR owners are required to keep a record of all emergency transfer requests and the outcome of such requests, retain this information for a minimum of three years, and report this information to HUD.

This emergency transfer plan does not apply to HOME units without HCV assistance, Shelter Plus Care units (as the Continuum of Care is responsible for the emergency transfer policy), or other HACA-owned or controlled units without HCV assistance or other HUD assistance (e.g. UC Managed Unit and Park Terrace).

Eligibility for Emergency Transfers

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

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

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

Emergency Transfer Request Documentation

Emergency Transfers: Housing for the HCV or PBV programs, the tenant shall notify HACA and submit a written request for a transfer to HACA, Attn: Emergency Transfer Request, 22941 Atherton Street, Hayward, CA, 94541 or tenantteam@haca.net. To request an emergency transfer for the MR program, the tenant shall notify the MR owner and submit a written request for a transfer to the owner. HACA 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 HACA'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.

HACA encourages tenants to utilize Form HUD-5383 (Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) to make emergency transfer requests.

Confidentiality

For this section, housing provider is: 1) HACA for the HCV and PBV programs, and 2) both HACA and the owner for the MR program.

The housing provider 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 housing provider 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 housing provider'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

For this section, housing provider is: 1) HACA for the HCV and PBV programs, and 2) both HACA and the owner for the MR program.

The housing provider cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The housing provider 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. A unit is considered to be available if the unit is vacant and ready for move-in within 30 days. 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 housing provider 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 housing provider has no safe and available units for which a tenant who needs an emergency transfer is eligible, the housing provider 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 housing provider 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, HACA will assist you to move to a safe unit quickly using your existing HCV assistance. HACA will make exceptions to program regulations restricting moves as required.

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

Project-Based Voucher (PBV) assistance: If you are assisted under the PBV program, you may request an emergency transfer under the following programs for which you are not required to apply:

If you have lived in your PBV unit for less than one year:

- PBV assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe).

If you have lived in your PBV unit for one year or more:

- Tenant-based voucher if you have lived in your PBV unit for one year or more, if a tenant-based voucher is available. Prior to assisting other currently housed PBV holders who have priority to receive the next available opportunity for continued tenant-based assistance, HACA will issue you an HCV under this provision.
- PBV assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe).

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

If you have lived in your PBV unit for less than one year:

- PBV assistance in another development.

If you have lived in your PBV unit for one year or more:

- PBV assistance in another development.

HACA will assist you in identifying other housing providers who may have safe and available units to which you could move and local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking (attached to this plan) in the following circumstances:

- If you seek to move sooner than a tenant-based voucher will be available;
- If HACA cannot offer you other assistance (because you have not lived in your PBV unit for one year or more); or
- Another safe PBV unit is not immediately available.

Shelter Plus Care, HACA-Owned HOME Units, and Other HACA-Owned or Controlled Units without HCV Assistance or Other HUD Assistance

Emergency transfers will not take priority over waiting list admissions for these programs.

In all cases above, at your request, HACA will refer you to organizations that may be able to further assist you and provide you a list of housing providers in the community.

Emergency Transfers: Moderate Rehabilitation (MR) Program

If you are a participant in the MR program and request an emergency transfer from the owner as described in this plan, the owner will assist you to move to an available and safe unit as quickly as possible. If a safe unit is not available for a tenant who qualifies for an emergency transfer, the owner must, at a minimum:

1. Review the owner's existing inventory of units and determine when the next vacant unit may be available; and
2. Provide a listing of nearby HUD subsidized rental properties, with or without preference for persons of domestic violence, dating violence, sexual assault, or stalking, and contact information for the local HUD field office.

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>.

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

In addition to the attached you may visit the following websites for links to other local resources:

- California Victim Compensation
Board: <http://vcgcb.ca.gov/victims/counties/alameda.aspx>
- Alameda Commission on the Status of
Women: http://www.alamedacsw.org/?page_id=152
- Alameda County Family Justice Center: http://www.acfjc.org/get_help
- Safe Alternatives to Violent Environments: <http://save-dv.org>

Domestic Violence Resource Guide for Alameda County **Guía de Recursos de Violencia Domestica para el Condado de Alameda**

24-HOUR CRISIS LINES

Lineas de crisis las 24 hrs. del dia

ACCESS Mental Health	1-800-309-2131
A Safe Place	510-536-7233
Building Futures with Women and Children	1-866-292-9688
Ruby's Place	510-786-1246
Tri-Valley Haven	1-800-884-8119
Center for Domestic Peace	415-924-6616
WOMAN, Inc. – referrals (SF)	415-864-4722
Next Door	408-279-2962
Family Violence Law Center... Mobile Response Team	1-800-947-8301
National Domestic Violence Hotline	1-800-799-7233

BATTERER'S TREATMENT

Tratamiento para agresores/golpeadores

Associated Counseling (SL)	510-357-0550
Davis Street Family Resource Ctr. (SL)	510-347-4620
John Hamel & Associates (B)	510-644-8190
Men Creating Peace (O/SF)	510-730-0184
Peace Creations (CV)	925-833-9505
Second Chance (H)	510-886-8696
(N)	510-792-4357
TAG Program (P)	925-830-3911
Terra Firma Diversion (H)	510-675-9362
Triumph (O)	510-636-4111
West Oakland Health Council (O)	510-729-8800

CHILD ABUSE SERVICES

Servicios de abuso infantil

Child and Family Services (Alameda Co.)	510-259-1800
(SF)	415-558-2650
CALICO (SL/Oakland)	510-895-0702

COUNSELING SERVICES

Servicios de asesoramiento/Consejeria

Alameda Family Services (O)	510-629-6209
Asian Health Services (O)	510-986-6800
CARE Program (children) (O)	510-428-3407
Center for Non-abusive Relationships (O)	
(Men)	510-208-5006
(Women)	510-524-8284
Community Health for ... Asian Americans (O)	510-835-2777
Earth Circles Counseling Center (O)	510-601-1929
Family Paths (O)	510-893-5444
HEAL Program (O)	510-267-8840
	510-267-8847
Highland Hospital (O)	510-534-9290
Mujeres con Esperanza (O)	510-536-4764
Mujeres Unidas y Activas (O)	510-261-3398
Rainbow Psychotherapy Assoc. (O)	510-420-8083
Progressive Transition(s) (O)	510-917-0666
Shimruh Korean Center (O)	510-547-2360
The D.O.V.E.S Project (O)	510-428-3135
Triumph (O)	510-636-4111
Berkeley Therapy Institute (B)	510-841-8484
Blue Oak Therapy Center (B)	510-649-9818
Jewish Family & Children Services (B)	510-704-7475
Oak Creek Counseling Center (B)	1-888-637-7404
08/08/2016 NT, Alameda County Family Justice Center, 510-267-8800	

COUNSELING continued

Servicios de asesoramiento, continua

UC Psychology Clinic (Sept.-May) (B)	510-642-2055
Women's Daytime Drop-In Center (B)	510-548-2884
Hume Center (F)	510-745-9151
Simi Markar, LMFT (F)	510-273-9126
La Familia (H)	510-881-5921
Davis Street Family Resource Ctr (SL)	510-347-4620
Family Services Counseling Ctr (SL)	510-483-6715
Pathways Counseling Center/Girls Inc. (SL)	510-357-5515
Tri-Valley Haven (L)	925-449-5845
Cameron House (Chinese) (SF)	415-781-0401

CULTURALLY SPECIFIC RESOURCES

Recursos culturalmente específicos

Arab Cultural and Community Center (SF)	415-664-2200
Asian Health Services (O)	510-986-6830
Korean Community Center East Bay (O)	510-547-2662
La Clinica de la Raza (O)	510-535-4000
Maitri-Indian (San Jose)	1-888-862-4874
Narika-South Asian (B)	1-800-215-7308
Shalom Bayit-Jewish (O)	510-451-7233
Terra Firma Diversion-Spanish (H)	510-674-9362

DEAF RESOURCES

Recursos para sordos

DCARA (SL)	510-343-6670
DeafHope (O)	deafhope@deaf-hope.org

ELDER ABUSE SERVICES

Servicios para personas mayores victimas de abusos

Adult Protective Services (Alameda County)	510-577-3500
(SF)	415-557-5230
API Legal Outreach (O)	510-251-2846
Area Agency on Aging (Alameda County)	510-577-1900
Institute on Aging (SF)	415-750-4111
Legal Assistance for Seniors (O)	510-832-3040
Victim Witness (O)	510-777-2248

HEALTHCARE RESOURCES

Recursos para el cuidado de la salud

Axis Community Health (P)	925-462-1755
Berkeley Free Clinic (B)	510-548-2570
Davis Street Family Resource Ctr. (SL)	510-347-4620
Healthy Communities (O)	510-444-9655
Highland Hospital (O)	510-437-4800
La Clinica de la Raza (O)	510-535-4000
La Familia (H)	510-881-5921
Native American Health Center (O)	510-535-4400
Public Health Dept. Immunizations (O)	510-267-8823
Purple Ribbon (O)	510-517-1994
Tiburcio Vasquez (H/U)	510-471-5880
Tri-City Health Center (O)	510-873-6500
(Fremont)	510-770-8133
Urban Indian Health Board (O)	510-434-5300
West Oakland Health Center (O)	510-835-9610

Domestic Violence Resource Guide for Alameda County **Guia de Recursos de Violencia Domestica para el Condado de Alameda**

LAW ENFORCEMENT

Aplicacion y ejecucion de la ley

For life-threatening emergencies call 911

Alameda Police Department	510-337-8340
Albany Police Department	510-525-7300
Berkeley Police Department	510-981-5900
Dublin Police Department	925-833-6670
Emeryville Police Department	510-596-3700
Fremont Police Department	510-790-6800
Hayward Police Department	510-293-7272
Livermore Police Department	925-371-4900
Newark Police Department	510-578-4000
Oakland Police Department	510-777-3333
Pleasanton Police Department	925-931-5100
San Leandro Police Department	510-577-2740
Union City Police Department	510-471-1365
Alameda Co. Sheriff's Department	510-670-5048

LEGAL SERVICES

Servicios legales

Alameda County BAR Association (O)	510-302-2222
API Legal Outreach (O)	510-251-2846
(SF)	415-567-6255
ACFJC Legal Advice Clinic (O)	510-267-8800
Bay Area Legal Aid (O)	1-800-551-5554
Centro legal de la Raza (O)	510-437-1554
Family Violence Law Center (O)	1-800-947-8301
Self-Help Center (O)	510-272-1393
Family & Children Law Center (SF)	415-492-9230
Employment Law Center (SF)	415-864-8848
Tri-Valley Haven (L)	925-449-5843

LGBT RESOURCES

Recursos para lesbianas, homosexuales, bi-sexuales y transexuales

CUAV (SF)	415-333-4357
Hayward Lighthouse Center (referrals)	510-881-8167
Pacific Center (B)	510-548-8283
Project Eden (H)	510-247-8200
Queer Asian Women Services (SF) (Shelter)	415-751-0880
San Francisco LGBT Center	415-865-5555
Tri-Valley Haven (L)	1-800-884-8119

SEXUAL ASSAULT

Ayuda para victimas de as altos sexuales

Bay Area Women Against Rape (O)	510-430-1298
CALCASA (Sacramento)	916-446-2520
Contra Costa Rape Crisis	1-800-670-7273
Highland Hospital (O)	510-534-9290
MISSEY (O)	510-290-6450
Sage Project (SF)	415-905-5050
San Francisco Women Against Rape	415-861-2024
Tri-Valley Haven (L)	1-800-884-8119

SHELTERS

Albergues/Refugios

A Safe Place	510-536-7233
Asian Women's Shelter	1-877-751-0880
Building Futures with Women and Children	1-866-292-9688

08/08/2016 NT, Alameda County Family Justice Center, 510-267-8800

SHELTERS, continued

Albergues/Refugios, continua

Eden I&R	2-1-1
Ruby's Place	510-786-1246
La Casa de Las Madres	1-877-503-1850
Next Door	408-279-2962
Riley Center	415-255-0165
SAVE	510-794-6055
Second Chance	510-792-4357
Shepherd's Gate	925-443-4283
Tri-Valley Haven	1-800-884-8119
WOMAN, Inc. - referrals (SF)	415-864-4722

TRANSITIONAL HOUSING

Alojamiento de transicion

Alameda Point Collaborative (O)	510-898-7800
Bonita House (B)	510-923-1099
BOSS (B)	510-843-3700
Henry Robinson (O)	510-419-1010

IMMIGRATION ASSISTANCE

Asistencia de inmigracion

Bay Area Legal Aid (O)	1-800-551-5554
Centro legal de la Raza (O)	510-437-1554
East Bay Sanctuary (B)	510-540-5296
Immigration Center for Women & Children (SF)	415-861-1449
International Institute of the Bay Area (O)	510-451-2846

MISCELLANEOUS

Miscelaneo

Alameda County Community Food Bank	1-800-870-3663
Alameda County Social Services	510-263-2420
Department of Child Support Services (P)	1-866-901-3212
District Attorney's Office (O)	510-272-6222
Family and Children's Bureau (O)	510-690-2500
Victim Witness Assistance Division (O)	510-272-6180
Victim Compensation Program (O)	510-272-5044

SERVICES FOR MALE VICTIMS

Servicios para las victimas masculinas

Except for shelter, most of the agencies listed make their services available to male victims of domestic violence. Please call agency for more information.

**For a wide range of domestic violence related services call
 Alameda County Family Justice Center
 (510) 267-8800**

Location Key: Oakland (O), Berkeley (B), Fremont (F), Hayward (H), Livermore (L), Newark (N), Pleasanton (P), San Leandro (SL), San Ramon (SR), Santa Clara County (SC), Castro Valley (CV)

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

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

The requirements you must meet are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.

If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

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

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

OR

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

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

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

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

1. Name of victim requesting an emergency transfer: _____

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

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

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

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

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

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

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

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

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

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

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

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

Signature _____ Signed on (Date) _____

EXHIBIT 16-5: OWNER NOTIFICATION OF RIGHTS AND OBLIGATIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV), Project-Based Voucher (PBV) and Moderate Rehabilitation (MR) 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 for 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 HACA's programs. Each component of this Notice also provides citations to HUD's applicable regulations for the HCV program. For additional citations to HUD's applicable regulations for the PBV or MR programs, please contact HACA.

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 program 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 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 property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)
 - 1) In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the following standards: An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. (See 24 CFR 5.2003.)
 - 2) Any eviction due to “actual and imminent threat” should be utilized by an owner only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents. (See 24 CFR 5.2005(d)(4).)

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

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

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

- a. Form HUD-55383 (Self-Certification Form); or
- b. A document:
 - 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, “professional”) from whom the victim has sought assistance related 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 L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or

- c. A record of a Federal, State, tribal, territorial or Local law enforcement agency, court, or administrative agency; or
- d. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

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

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

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.207(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 5.2099(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 5.209(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 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 the 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:

- a. The duration of the risk;
- b. The nature and severity of the potential harm;
- c. The likelihood that the potential harm will occur; and
- d. 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 providers. (See 24 CFR 5.207(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

Referrals to shelters, counselors, and advocates can be obtained through 2-1-1 Alameda County by dialing 2-1-1 from your telephone or visiting <http://www.edenir.org/>. A list of local service providers is also included in HACA's Emergency Transfer Plan.

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.).

RESIDENT ADVISORY BOARD

Housing Authority of the County of Alameda (HACA)
Resident Advisory Board (RAB) Meeting
April 20, 2020, 6:00 P.M.

HACA 5-Year Plan and Annual Plan for HACA Fiscal Year 2020

Summary

Resident Advisory Board Members Present:	Absent:
Maya I Nelson	Tonja E Fuller-Bryant
Bertha Barraza	Paris M Davis
	Sarah Bahadur (FSS)
	Tammie S Perry
Staff Present:	Ilahna A Johnson-Aziz
Oscar Macias, Administrative Analyst	

The RAB met by conference call at 6:00 PM, at which time Oscar Macias described the requirements for the 5-Year Plan and Annual Plan (Plans) and the process that HACA follows in developing the Plans, namely:

- staff development of the Plans;
- review of the Plans with the RAB for information and comments;
- submission of the Plans to the HACA Housing Commission along with a description of any challenges to any elements of the Plans from the RAB and staff responses to the challenges;
- conduct of a public hearing by the Housing Commission to accept comments about the Plans;
- approval of the Plans by the HACA Housing Commission; and
- submission of the Plans approved by the Housing Commission to HUD.

RAB members had been mailed the draft Plans prior to the conference call.

Mr. Macias presented an overview of the Plans, including:

- Section B.1 of the Annual Plan, Revisions of PHA Plan Elements;
- Section B.2 of the Annual Plan, New Activities;
- Section B.2 of the 5-Year Plan, Goals and Objectives; and
- Section B.3 of the 5-Year Plan, Progress Report.

Ms. Nelson asked whether any funding would be allocated to foster youth. Mr. Macias explained that HACA was awarded 25 Foster Youth Initiative (FYI) vouchers in 2020 and that as part of its 5-year goals, it would continue to apply for additional FYI voucher funding.

No elements of the Plans were challenged.

The meeting adjourned at 6:21 PM.

B.7 Certification by State or Local Officials.

Please see the attached certification.

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

U. S Department of Housing and Urban Development

Office of Public and Indian Housing

OMB No. 2577-0226

Expires 2/29/2016

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

I, Michelle Starratt, the Housing and Community Development Director
Official's Name *Official's Title*

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

Housing Authority of the County of Alameda

PHA Name

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

County of Alameda

Local Jurisdiction Name

pursuant to 24 CFR Part 91.

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

Provides affordable housing for low-income people.

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

Name of Authorized Official

Michelle Starratt

Title

Housing and Community Development
Director

DocuSigned by:

Michelle Starratt

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Date

3/26/2020