



**Section 811 Project Rental  
Assistance Program  
(PRA)**

**Tenant Selection Plan**

*August 2019*

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## **I. Background**

In April 2015, the U.S. Department of Housing and Urban Development (HUD) awarded the New Mexico Mortgage Finance Authority (MFA) Section 811 Project Rental Assistance (PRA) subsidies to expand supportive housing units in New Mexico and provide project-based rental assistance to qualified extremely low-income persons with disabilities for designated, eligible properties of the Low Income Housing Tax Credit (LIHTC) program. To develop and implement the Section 811 PRA for New Mexico, the New Mexico Behavioral Health Services Division (BHSD) of Human Services Department (HSD) and MFA entered into a Memorandum of Understanding to serve as the Interagency Partnership Agreement. BHSD/HSD manages the Local Lead Agencies (LLA), and MFA awards the LIHTCs and Section 811 PRA funds. The Interagency Partnership Agreement allows for policy development to guide the processes of the existing LIHTC Special Needs/Set Aside Housing Program (SAHP) and the new Section 811 PRA program.

## **II. Purpose**

This Tenant Selection Plan (TSP) will outline the procedure for tenant selection for the Section 811 PRA program. The tenant selection policy is in accordance with the cooperative agreement executed by HUD and MFA. The owner and HSD will select the following populations with emphasis on homeless individuals and households in which a household member has one or more of the substantial, long-term disabilities listed below, and provided that a LLA determines that appropriate services related to the type of disability are available and can be provided:

- ◆ Serious mental illness;
- ◆ Addictive disorder (e.g. individuals in treatment and demonstrated recovery from substance abuse disorder)
- ◆ Developmental disability (e.g. intellectual disability, autism or other development disability acquired before the age of 22);
- ◆ Physical, sensory or cognitive disability occurring after the age of 22;
- ◆ Disability caused by effects of chronic illness (e.g. people with HIV/AIDS who are no longer able to work); and/or
- ◆ Age-related disability (e.g. frail elderly less than 62 years of age or young adults with other special needs who have been in the foster care or juvenile justice system.

MFA has designed the Section 811 PRA program to assist the state of New Mexico in fulfilling their Olmstead Settlement obligations.

## **III. Relationship to Owners Plans**

All owners participating in the Section 811 PRA program will incorporate the program guidelines and requirements as well as the target population to the TSP they currently have on site. The Section 811 PRA guidelines and requirements are applicable only to the PRA-assisted units in the developments.

## **IV. Eligibility Requirements**

All prospective tenants must meet the following Section 811 PRA program criteria and requirements:

- ◆ Adults at least 18 years of age, but less than 62 at time of admission to the property;
- ◆ New Mexico Medicaid eligible recipient;
- ◆ Individuals with a disability as defined by HUD;
- ◆ Individuals who demonstrate a need for long term services and supports;
- ◆ Income must be at or below 30 percent of area median income (AMI) of the county where unit is located.

## V. Income Limits

HUD establishes income limits and revises them annually to ensure that federal rental assistance is provided only to low-income families. Income limits are based on family size and the annual income the family receives. The owner/agent will determine income eligibility prior to approving any applicant for tenancy. Applicants must have an income that is not greater than the maximum income limits established by HUD and as published annually in the Federal Register.

For Section 811 PRA, a family's annual income at the time of admission may not exceed the extremely low-income limits established by HUD for the current year. Refer to **Appendix B** for the current extremely low-income limits.

## VI. Procedure for Accepting Applications and Selecting from the Waiting List

The following procedures outline the program application process for accepting applications, determining eligibility, selecting applications for referral to available units and selecting referred applicants.

### Accepting Applications

Access to Section 811 PRA housing units shall be provided to the eligible and target populations identified through a network of HSD-contracted LLAs. LLAs are designated for each county and trained by HSD on an annual basis in special needs population screening and referral; effective oversight of service delivery providers; and, the principles and practices of fair housing and reasonable accommodations. LLAs are required to use the New Mexico LLA Operations Manual which outlines in detail the screening and referral processes and communications with property managers during lease-up and sustaining tenancy of supportive housing tenants. The manual also provides standard and consistent forms and processes regarding special needs or supportive housing applicant documentation; eligibility guidelines; screening; a standard letter of referral; lease up procedures; and record keeping for communication and documentation of referrals between the LLA, property manager and referring support services providers. These LLAs have been the primary mechanism for implementing New Mexico's special needs housing program for the last seven years. LLAs are adept at pre-screening and referral of special needs applicants and are currently the access point for approximately 364 special needs units in 28 LIHTC properties located in 12 counties and two pueblos in New Mexico.

### Referral Process

#### Applicant Referral Process

LLAs will refer the screened and eligible special needs/Section 811 PRA applicants to property management to be processed for tenancy. Set-aside housing program/LLA guidelines provide further

detail about the screening and referral process, which will be consistent with how the LLA currently processes applicants.

LLAs will continue to screen to identify eligible special needs clients to fill other vacant units that are *not* Section 811 PRA eligible. As such, the 'homeless or precariously housed' criterion remains a qualifying eligibility criterion for the SAHP program only, but not for the Section 811 PRA rental assistance in which a disability is required.

### Reverse Referrals

A reverse referral means the referral of an existing tenant by the property manager and/or service coordinator of a SAHP/LIHTC property to the LLA to be screened for special needs and Section 811 PRA eligibility criteria.

If the property manager and/or social coordinator of an eligible LIHTC/SAHP property identify a current, existing tenant as a possible, eligible applicant of the target population who meets special needs eligibility criteria; the property manager and/or social coordinator will refer the current, existing tenant to the LLA to be screened. The applicant must be at risk of eviction, received an eviction notice. The referred individual must meet all of the following criteria:

- ◆ Household must **include one adult with a disability who is at least 18, but less than 62 years of age** at the time of screening. *Note:* Households with a disabled minor child do not qualify for the Section 811 PRA program.
- ◆ The household must **include at least one adult with an eligible SAHP disability**, as listed above.
- ◆ The **household income must not exceed the extremely low-income limits**, per HUD.
- ◆ The applicant **must have a current, active support service provider** that will commit to conducting at least one house visit per month and provide eviction prevention as needed.
  - The **applicant will not meet eligibility criteria if lacking a support service provider** willing to commit to conducting the monthly house visit and/or work in collaboration with the LLA.
- ◆ The applicant **must be willing to voluntarily participate** in 811 PRA programming and to engage with a support service provider that includes but is not limited to a **monthly house visit**.
- ◆ **Household must be at risk of eviction** to include having received an eviction notice.

For each individual reverse referral, the property manager or service coordinator will provide the LLA with all demographic information for the client; any relevant, qualifying income and financial information; the designated support service agency name, case manager name, and their contact information.

Please note that there will be no preference status for existing tenants *after the first available Section 811 PRA units are initially filled*. All special needs and Section 811 PRA applicants thereafter will be placed on the LLAs waiting list without any preference. The purpose of the initial preference is to prevent homelessness of existing qualified tenants.

Each SAHP/LIHTC property involved with 811 PRA programming has a certain amount of special needs units available. (The amount of special needs units may differ from the amount of 811 special needs units available.)

**Reverse Referrals of existing tenants already identified as Special Needs:**

Each SAHP/LIHTC program property may have special needs units filled by tenants that the LLA has already screened and identified as special needs. To refer these individuals, the referred individuals must have the following:

- ◆ Household must **include one adult with a disability who is at least 18 but less than 62 years of age** at the time of screening. *Note:* Households with a disabled minor child do not qualify for the Section 811 PRA program.
- ◆ The household must include at least one adult **with an eligible Special Needs/Set Aside disability**, as listed above.
- ◆ The **household income must not exceed the extremely low-income limits**, per HUD.
- ◆ The applicant **must have a current, active support service provider** that will commit to conducting at least one house visit per month and provide eviction prevention as needed.
- ◆ The **applicant must be willing to voluntary participate** in Section 811 PRA programming and continue to engage in support services that include but are not limited to a **monthly house visit**.
- ◆ **Household must be at risk of eviction** to include having received an eviction notice.

Please note that there will be no preference status for existing special needs tenants *after the first available Section 811 PRA units are initially filled*. All special needs and Section 811 PRA applicants thereafter will be placed on the LLAs waiting list without any preference. The purpose of the initial preference is to prevent homelessness of existing qualified tenants.

In cooperation with the parties herein, through community support workers, case managers and other referring services agencies, LLAs shall pre-screen applicants and make best efforts to:

1. Ensure the applicants are members of the eligible and target populations;
2. Assist applicants to complete the Section 811 PRA application for housing;
3. Work with applicants to obtain and submit to the LLA and property manager the required supporting documentation such as sources of income and identification;
4. Verify that applicants are eligible for, community-based, long-term services as provided through Medicaid waivers, Medicaid state plan options, state-funded services or other appropriate services related to the type of disability of the targeted populations;
5. Have a currently designated services provider who commits to provide the necessary and ongoing supportive services to ensure successful community placement and continued tenancy; and,
6. Assist the referred applicants in the application process, including requesting and negotiating reasonable accommodations and modifications as described in the Fair Housing Act of 1968, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act.

The LLAs will refer screened and eligible special needs applicants according to the Section 811 PRA program criteria to the property managers of designated Section 811 PRA properties:

1. That do not have household incomes in excess of applicable income limits for the property; and have sufficient income to cover rent and, if applicable, tenant-paid utilities;

2. Via a standard *'Applicant Proof of Eligibility and Letter of Referral to Property Manager'* form for each household referred to be considered for a Section 811 PRA program unit.

## Waiting List Management

The LLA in each county where Section 811 PRA eligible and designated properties are located will maintain a waiting list with the following information:

- ◆ Date and time the applicant submitted an application;
- ◆ Name of head of household;
- ◆ Annual income level
- ◆ Identification of the need for an accessible unit, including the need for accessible features;
- ◆ Preference status;
- ◆ Unit size;
- ◆ Referring agency and contact person;
  - State/local mental health agency or authority;
  - State/local intellectual/development disability agency or authority;
  - State/local aging/adult services agency or authority;
  - State/local child/family agency or authority;
  - Other state/local human services agency or authority;
  - Service provider – mental health;
  - Service provider – intellectual/development disabilities;
  - Service provider – center for independent living;
  - Service provider- other;
  - Other.

This detailed applicant information will ensure that applicants will be referred for the correct bedroom size unit, household income and rental requirements. Waiting lists will be maintained and updated by the LLA and referring services provider to ensure that current consumer contact information is on file.

## Open Waiting List

The waiting lists will continuously remain 'open' to receive newly eligible consumers who have applied and are determined eligible. Every new housing unit vacancy is advertised to the entire community-at-large through established provider, consumer and advocacy email networks.

## Screening

The following households are excluded from Section 811 PRA:

- ◆ Any household containing a member(s) who was evicted in the last three years from federally assisted housing;
- ◆ Any household containing a member(s) who was convicted of drug related activity;
- ◆ Any household containing a member (s) who has been convicted of illegal manufacture or distribution of a controlled substance;
- ◆ A household containing a member(s) who is currently engaged in illegal use of drugs or for which the owner has reasonable cause to believe that a member's illegal use or pattern of illegal



use of a drug may interfere with the health, safety and right to peaceful enjoyment of the property by other residents;

- ◆ Any household member who is subject to a state sex offender lifetime registration requirement.

## Rejection/Appeal

### Rejection

If an owner determines that a referred tenant is ineligible on the basis of income, failure to meet the disclosure and verification requirements, or if a tenant is rejected due to criteria in the TSP, the owner must provide written justification to the applicant. The owner/agent should also provide a copy to the LLA. A written rejection notice must include:

- ◆ The specific stated reason(s) for the rejection;
- ◆ The applicant’s right to respond to the owner in writing or request a meeting within 14 days to dispute the rejection; and
- ◆ That persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process;
- ◆ HUD-5380, “VAWA Notice” and the HUD-5382, “VAWA Certification.”

### Appeal

In the case of an appeal request by the rejected applicant: after review of the written justification HSD will support and assist the tenant with their decision to appeal and a reasonable accommodation may be requested to address and rectify the reason for rejection.

- ◆ Any meeting with the applicant to discuss the applicant’s rejection must be conducted by a member of the owner’s staff who was not involved in the initial decision to deny admission or assistance.
- ◆ Within five business days of the owner response or meeting, the owner must advise the applicant in writing of the final decision on eligibility.
- ◆ Inform BHSD of an appeal and scheduled appeal meeting(s) to support and assist the tenant.

## VII. Occupancy Standards

A unit is assigned to an applicant family based on their family size and composition. Reference the written policies for the site’s specific standards. To prevent underutilization, the following minimum standards for occupancy apply:

<b>Bedrooms</b>	<b>Minimum Persons</b>
0	1
1	1
2	2
3	3

## **VIII. Unit Transfer**

The owner/agent is responsible for management of in-house waiting lists including procedures for selecting between applicants on the waiting list and current tenants who need:

1. A unit transfer because of family size;
2. A new unit because of changes in family composition;
3. A unit transfer for a medical reason certified by a doctor;
4. A unit transfer based on the need for an accessible unit;
5. A unit transfer request in a VAWA certification.

Participants may request transfers to other units in accordance with the owner/agent's occupancy policies.

The owner/agent must notify the LLA about the transfer.

## **IX. Fair Housing and Non Discrimination**

MFA and its financed participating developments will adhere to all fair housing and civil rights laws as well as Section 504 regulations.

### **Fair Housing Act**

The Fair Housing Act prohibits discrimination with respect to race, color, religion, sex, disability, family status or national origin. To ensure compliance with this act, an applicant will not be:

- ◆ Denied the opportunity to apply for housing or lease housing suitable to their needs;
- ◆ Provided housing that is different from housing provided to others;
- ◆ Subjected to segregation or disparate treatment;
- ◆ Restricted to any benefit enjoyed by others in connection with the housing program;
- ◆ Treated differently in determining eligibility or other requirements for admission;
- ◆ Denied access to the same level of services as others;
- ◆ Denied the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

### **Title VI of the Civil Rights Act of 1964**

Prohibits discrimination based on race, color, or national origin. To ensure compliance with this act, regular review of policies and procedures will be done so that such policies can be updated to remove any discriminatory practice that subjects individuals to discrimination based on race, color or national origin.

### **Section 504 of the Rehabilitation Act of 1973**

Prohibits discrimination based upon disability. To ensure compliance with this act, the following obligations must be met:

- ◆ Reasonable structural modification to units and/or common areas, that are needed by applicants and tenants with disabilities, will be provided unless such changes would result in a fundamental alteration of the project or result in undue financial or administrative burden;
- ◆ Housing units will not be segregated based upon disability or type of disability;
- ◆ Auxiliary aids and services will be provided in order to promote effective communication with persons with disabilities.

Eliminating situations or procedures that create barriers to equal housing are further depicted in the site's written policies and should include:

- ◆ **Reasonable accommodations:** adjustments to the method of administering policies, procedures or services at the property so that individuals with handicaps or disabilities can enjoy full access to the property.
- ◆ **Reasonable modifications:** some structural changes create an undue financial burden to the owner/agent; in such cases, residents may be allowed to make reasonable modifications to their individual units at the expense of the resident with an agreement that the resident will restore the unit to its original state upon vacating.
- ◆ **Assistance animals:** allowed on the property with proper verification of the need for the assistance animal.
- ◆ **Auxiliary aids:** every effort will be made to effectively communicate with individuals who have a handicap or disability. Auxiliary aids may include visual alarms, tactile signs, visual doorbells and other communication aids.

## X. Outreach Procedures

The outreach for prospective eligible Section 811 PRA subsidized tenants will be handled through HSD and its network of LLAs in accordance with the affirmative fair housing marketing plan. MFA in partnership with HSD will provide information and education on the Section 811 PRA program and its eligibility requirements to staff at BHSD/HSD, state agencies that serve the eligible populations as defined in the 'Background' and 'Purpose' sections above; and, to community-based providers participating in the program. MFA and HSD will also meet regularly to coordinate the outreach processes to ensure timely referral of tenants to the program and housing opportunities in projects participating in the Section 811 PRA program. To ensure effective marketing and exposure, outreach will be made to statewide entities to reach the target populations including, but not limited to, managed care organizations, behavioral services agencies, independent living centers, housing and peer specialist agencies, faith-based groups and organizations and contractors that provide services to the eligible special needs populations.

## XI. Target Population

The target populations for this program are: individuals and households, with emphasis on homeless, in which a household member has one or more of the substantial, long-term disabilities listed below, and provided that a LLA determines that appropriate services related to the type of disability are available and can be provided:

- ◆ Serious mental illness;
- ◆ Addictive disorder (e.g. individuals in treatment and demonstrated recovery from substance abuse disorder);

- ◆ Developmental disability (e.g. intellectual disability, autism or other development disability acquired before the age of 22);
- ◆ Physical, sensory or cognitive disability occurring after the age of 22;
- ◆ Disability caused by effects of chronic illness (e.g. people with HIV/AIDS who are no longer able to work);
- ◆ Age-related disability (e.g. frail elderly less than 62 years of age or young adults with other special needs who have been in the foster care or juvenile justice system).

## **XII. Student Eligibility**

Owner/agent must determine a student's eligibility for assistance at move-in, at initial or annual recertification, and at the time of an interim recertification if one of the changes reported reflects a household member is enrolled as a student. Assistance will not be provided to any individual who:

- ◆ Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate or other program leading to a recognized educational credential, **AND**
- ◆ Is under the age of 24, **AND**
- ◆ Is not married, **AND**
- ◆ Is not a veteran of the United States Military, **AND**
- ◆ Does not have a dependent child, **AND**
- ◆ Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C.1437a(b)(3)(E)) and was not receiving Section 8 assistance as of November 30, 2005, **AND**
- ◆ Is not living with his or her parents who are receiving Section 8 assistance, **AND**
- ◆ Is not individually eligible to receive Section 8 assistance or has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

In order for a student to be eligible, independent of his or her parents, the student must meet **all** of the following criteria:

1. Be of legal contract age under state law;
2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or** meet the U.S. Department of Education's (ED) definition of an independent student;
3. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations;

4. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

In order to verify a student's independence from parents, the owner/agent must:

- ◆ Review and verify previous address information to determine evidence of separate household from parents or legal guardians, **or** verify the student meets ED's definition of independent student;
- ◆ Review prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent (except if the student meets ED's definition of independent student);
- ◆ Verify income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent(s) is not providing support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.
- ◆ Verify the amount of financial assistance the student receives from other sources.

The full amount of financial assistance paid directly to the student or to the educational institution, and amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs are excluded from annual income.

### **XIII. Social Security Number Requirements**

Applicants must disclose Social Security Numbers (SSN) for all family members and provide proof of the numbers reported. If no SSN has been assigned to a particular family member, the applicant must, at a minimum, bring proof, to the Social Security Administration (SSA), that an application has been completed. The SSN requirement does not apply to persons who are not claiming eligible immigration status or applicants age 62 or older as of January 31, 2010, whose initial determination of eligibility for assistance was begun before January 31, 2010.

Acceptable evidence of the SSN consists of one of the following:

- ◆ An original SSN card issued by SSA or an original SSA-issued document, which contains the name and the SSN of the individual;
- ◆ An original document issued by a federal, state or local government agency, which contains the name and the SSN of the individual (the documentation must identify the number as an SSN);
- ◆ IRS Form 1099 or W-2 Form;
- ◆ Benefit award letters from government agencies;
- ◆ Unemployment benefit letter;
- ◆ Court records such as real estate, tax notices, marriage and divorce judgment or bankruptcy records;
- ◆ Verification of Social Security benefits with the SSA.

Applicants who have not disclosed and/or provided verification of SSN for all non-exempt household members have 90 days from the date they are first offered an available unit to disclose and/or verify the SSNs. During this 90 day period, if the applicant is unable to disclose and/or verify the SSNs for all non-exempt household members, the applicant will be determined ineligible and removed from the waiting list.

Failure to disclose all SSNs as required or failure to certify that a family member does not have a number is cause for denial of admission or termination of assistance, subject to the family's right to an informal review or hearing.

All Section 811 PRA tenants must disclose SSNs or certify that the household is not subject to disclosure.

## **XIV. Violence Against Women Act (VAWA)**

### **Protections and Eligibility**

- ◆ The owner/agent must provide notice to tenants of their rights and obligations under VAWA. VAWA status cannot be a basis for denial of rental assistance or admission if the applicant otherwise qualifies.
- ◆ Applicants and tenants of HUD housing programs who are victims of domestic violence, dating violence, sexual assault, or stalking and persons affiliated with a victim of a VAWA crime from being denied housing or from losing their HUD-assisted housing as a consequence of a VAWA crime.
- ◆ Protections and eligibility is not limited to women and available to all, without regard to sex, gender identity, or sexual orientation

### **Not Eligible for VAWA Protections**

- ◆ Guests, unassisted household members, and live-in aides are not eligible for protections limited to tenants.

### **Victim Confidentiality**

- ◆ All information and documentation maintained with strict confidentiality
- ◆ VAWA information not provided to employees or contractors unless required by law
- ◆ Not entered into a database or provided to other, without consent from victim or unless required for an eviction action or by law
- ◆ O/As secure all correspondence and personal interaction with victim to maintain confidentiality
- ◆ O/As document in tenant's file victim's preferred mode of communication
- ◆ Victim may designate an attorney, advocate, or other secure contact for communications
- ◆ Keep VAWA communication separate from tenant file

### **Record Keeping and Retention**

- ◆ Owners must retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.
- ◆ Keep records by project and project fiscal year.

- ◆ Keep a record of the number of transfer requests and outcomes of each.
- ◆ Retain records for three years or as specified in program regulations.

### VAWA Emergency Transfer Plan

The owner/agent must develop and implement a VAWA Emergency Transfer using HUD 5381 as a guide. The owner/agent must make the Emergency Transfer Plan available but do not have to provide the Emergency Transfer Plan to residents or applicants unless they ask for it. The Emergency Transfer Plan must be made publicly available (bulletin board/web page, etc.).

The plan must include policies for assisting:

- ◆ A resident who is seeking a transfer to a different unit in the same single or scatter site property;
- ◆ A resident who is seeking an external emergency transfer under VAWA out of the owner/agent's single or scattered site property; and
- ◆ A resident who is seeking an external emergency transfer under VAWA into the owner/agent's single or scattered site property.

Develop method to track emergency transfer requests and report to HUD.

### VAWA Documentation Requirements

#### Lease Addendum (form HUD-91067)

- ◆ Revising form HUD-91067 to include new provisions
- ◆ Applies to all multifamily housing programs
- ◆ Provide to current household at the next annual recertification
- ◆ Include with all new move-ins

#### Request for VAWA Protections

- ◆ Owner/agents may accept a verbal request.
- ◆ Owner/agents may also require written certification or other documentation; owner/agent's request for written certification must be in the form of a written dated letter.
- ◆ Owners must provide tenants the option to complete a certification. The certification form may be made available to all eligible families at the time of admission or, in the event of a termination or start of an eviction for cause proceeding, the certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within 14 business days. The owner may extend this time period at his/her discretion.
- ◆ Alternately, in lieu of the certification form or in addition to it, owners may accept:
  - A federal, state, tribal, territorial or local police record or court record, or
  - Documentation signed by an employee, agent, volunteer of a victim service provider, an attorney or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of the abuse in which the professional attests under penalty of perjury under 28 U.S.C 1746 to the professional's belief that the incident or incidents are bona fide incidents of abuse,

and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

#### HUD-5382, "VAWA Certification"

- ◆ Form HUD-5382 replaces form HUD-91066;
- ◆ Provided along with Notice of Occupancy of Rights Under the Violence Against Women Act (form HUD-5380);
- ◆ Owner/agents must accept certification form or other documentation to validate victim status;
- ◆ Send notice and certification form only once for entire action;
- ◆ Send with notice of eviction
  - Material noncompliance
  - Criminal activity
- ◆ Send with notice of termination of assistance
  - Failure to respond to recertification
  - Failure to move to different sized unit
  - Increase of income

#### HUD-5380, "VAWA Notice"

- ◆ Use form without changes to core protections
- ◆ Provide the Notice of Occupancy Rights (form HUD-5380) and Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (form HUD-5382):
  - To applicants with denial of assistance
  - At move-in
  - With notice of eviction or termination of assistance
  - Send notice and certification form only once for entire action
  - Send with notice of eviction
    - Material noncompliance
    - Criminal activity
- ◆ Send with notice of termination of assistance
  - Failure to respond to recertification
  - Failure to move to different sized unit
  - Increase of income

#### Other Permissible Documentation

- ◆ Signed document from professional from whom victim sought assistance;
- ◆ Record from governmental law enforcement or administrative agency or court;
- ◆ At discretion of an owner/agent, another statement or form of evidence;
- ◆ Owner/agent cannot require more than one type of documentation, for example: form HUD-5382 must be accepted in lieu of other permissible documentation;
- ◆ Owner/agent may require response within 14 business days;
- ◆ Owner/agent may extend time period;
- ◆ Owner/agent may deny VAWA protections if not submitted on time.