

PHA Plans for the Housing Authority of the City of Bessemer Annual Plan for FYB 2021

Cortney Coleman, Executive Director

FYB July 1, 2021

FIRST DRAFT



Presented by:

The **Nelrod** Company

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Annual PHA Plan (Standard PHAs and Troubled PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 02/29/2016
<p>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.</p> <p>Applicability. Form HUD-50075-ST is to be completed annually by STANDARD PHAs or TROUBLED PHAs. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA <u>do not</u> need to submit this form.</p> <p>Definitions.</p> <ol style="list-style-type: none"> (1) High-Performer PHA – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a higher performer on <u>both</u> of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing. (2) Small PHA – A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550. (3) Housing Choice Voucher (HCV) Only PHA – A PHA that administers more the 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing. (4) Standard PHA – A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments. (5) Troubled PHA – A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent (6) Qualified PHA – A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled. 		

A	PHA Information.																																				
A.1	<p> PHA Name: <u>Housing Authority of the City of Bessemer</u> PHA Code: <u>AL125</u> PHA Type: <input checked="" type="checkbox"/> Standard PHA <input type="checkbox"/> Troubled PHA PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2021</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning above) Number of Public Housing (PH) Units: <u>702</u> Number of Housing Choice Voucher (HCVs): <u>473</u> Number of VASH units: <u>87</u> Total Combined Units/Vouchers: <u>1,262</u> PHA Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </p> <p> Availability of Information. PHAs must have the elements listed below in sections B and C 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. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans. </p> <p> The following are the specific locations where the public may obtain copies of the 2021 Annual PHA Plan: <ul style="list-style-type: none"> ▪ Administrative Office – 1515 Fairfax Avenue, Bessemer, AL 35020 </p> <p> <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint PHA Plan and complete table below) </p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 20%;">Participating PHAs</th> <th style="width: 10%;">PHA Code</th> <th style="width: 20%;">Program(s) in the Consortia</th> <th style="width: 20%;">Programs Not in the Consortia</th> <th colspan="2" style="width: 30%;">No. of Units in Each Program</th> </tr> <tr> <th></th> <th></th> <th></th> <th></th> <th style="width: 15%;">PH</th> <th style="width: 15%;">HCV</th> </tr> </thead> <tbody> <tr> <td>Lead HA:</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	Programs Not in the Consortia	No. of Units in Each Program						PH	HCV	Lead HA:																							
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B	Annual Plan Elements
B.1	<p>Revision of PHA Plan Elements.</p> <p>(a) Have the following PHA Plan elements been revised by the PHA?</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Grievance Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Community Service and Self-Sufficiency Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Safety and Crime Prevention.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Asset Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):</p> <p>Statement of Housing Needs and Strategy for Addressing Housing Needs</p> <p><u>Statement of Housing Needs:</u></p> <p><u>Waiting List for Public Housing:</u></p> <p><i>Total: 280</i></p> <p><i>Extremely Low Income: 257-92%</i></p> <p><i>Families with children: 66-24%</i></p> <p><i>Elderly Families: 31-11%</i></p> <p><i>Families with Disabilities: 97-35%</i></p> <p><i>White: 14-5%</i></p> <p><i>Black/African American: 266-95%</i></p> <p><u>Bedrooms:</u></p> <p><i>1 BR: 204-73%</i></p> <p><i>2 BR: 46-16%</i></p> <p><i>3 BR: 12-4%</i></p> <p><i>4 BR: 11-4%</i></p> <p><i>5 BR: 5-2%</i></p>

B.1

The waiting list is not closed.

Waiting List for Section 8:

Total: 592

Extremely Low Income:

Very Low Income:

Low Income:

Families with children: 389-66%

Elderly Families: 5-1%

Families with Disabilities: 44-7%

White: 7-1%

These numbers only add up to 551-should add up to

Black/African American: 536-91% *waiting list total of 592*

Asian: 6-1%

Hispanic: 2-0.34%

The waiting list is not closed.

Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions

Public Housing:

Preferences:

It is the policy of the PHA that transfers will take precedence over new admissions in the following circumstances:

- Health reasons
- Relocation to an appropriately sized unit
- Initiated by the PHA due to modernization work and/or other good cause as determined by PHA

The PHA deleted "Approved convenience transfers" from above.

Priority transfers are listed below:

1. The PHA mandated and transfers for reasons of health as described above are mandatory transfers and take priority over new admissions
2. Other PHA initiated transfers are high priorities; the Executive Director has discretion to determine when these transfers should take precedence over admission

The PHA deleted "Convenience transfers are not high priority and do not take priority over new admissions" from above.

B.1 Deconcentration and Income Mixing:

The PHA has performed its annual deconcentration and income mixing analysis to determine if the PHA has any general occupancy public housing developments covered by the deconcentration rule. The analysis results follow:

The PHA **does/does not** have general occupancy public housing developments covered by the deconcentration rule.

The **following/none** of the covered developments have average incomes that fall above or below the Established Income Range.

Financial Resources

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2021 grants)		
a) Public Housing Operating Fund	3,500,000.00	
b) Public Housing Capital Fund	1,895,316.00	
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	3,960,000.00	
f) Resident Opportunity and Self-Sufficiency Grants	61,609.00	
g) Community Development Block Grant		
h) HOME		
Other Federal Grants (list below)		
2. Prior Year Federal Grants (unobligated funds only) (list below)		
AL09P125501-19	627,268.00	Public housing capital improvements
AL09P125501-20	1,922,834.00	Public housing capital improvements
3. Public Housing Dwelling Rental Income	1,166,000.00	Public housing operations
4. Other income (list below)	10,000.00	Public housing operations
5. Non-federal sources (list below)		
Total resources	\$13,143,027.00	

B.1 Operation and Management**HUD Programs Under PHA Management:**

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	702	<i>120</i>
Section 8 Vouchers	473	<i>36</i>
Section 8 VASH Vouchers	87	<i>10</i>
Section 8 Mod Rehab	N/A	N/A
Special Purpose Section 8 Certificates/Vouchers (list individually)	N/A	N/A
Other Federal Programs (list individually)	N/A	N/A

Community Service and Self-Sufficiency Programs**Family Self-Sufficiency Programs:**

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants	Actual Number of Participants (As of: 05/25/2021)
Public Housing	24	<i>38</i>
Section 8	21	<i>31</i>

Community Service Implementation Report:

- Number of tenants required to perform community service: ____
- Number of tenants performing community service: ____
- Number of tenants granted exemptions: ____
- Number of tenants in non-compliance: ____
- Number of tenants terminated/evicted due to non-compliance: ____

(c) The PHA must submit its Deconcentration Policy of Field Office review. *(See attachment al125b01)*

B.2 New Activities.

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?

Y N

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Hope VI or Choice Neighborhoods. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Mixed Finance Modernization or Development. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Demolition and/or Disposition. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Designated Housing for Elderly and/or Disabled Families. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Conversion of Public Housing to Tenant-Based Assistance. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Conversion of Public Housing to Project-Based Assistance under RAD. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Occupancy by Over-Income Families. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Occupancy by Police Officers. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Non-Smoking Policies. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project-Based Vouchers. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Units with Approved Vacancies for Modernization. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants). |

(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project based units and general locations, and describe how project basing would be consistent with the PHA

Mixed Finance Modernization or Development

The PHA will be engaging in mixed-finance development activities for public housing in the Plan year.

The PHA will be conducting other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement.

The PHA will phase out clotheslines at all PHA properties through modernization. Clotheslines will only be provided to those residents whose units do not have dryer connections.

Clotheslines will also be provided through reasonable accommodations to those residents who make a request.

B.2

Mixed Finance Activity Description	
1a. Development name:	Hillside Homes Phase #2
1b. Development (project) number:	AL125000-006
2. Activity type:	Demolition <input type="checkbox"/> Disposition <input type="checkbox"/> Mixed Finance <input checked="" type="checkbox"/>
3. Application status (select one)	Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission:	10/31/15
5. Number of units affected:	60 multi-family units
6. Coverage of action (select one)	<input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity:	a. Actual or projected start date of activity: 08/2021 b. Projected end date of activity: 03/2023

The property was in an application by Jefferson County Office of Community & Economic Development to HUD for the Disaster Sustainability Grant. BHA options are, single family subdivision using Chapter 32 Homeownership request to HUD/PH or Single Family using Mixed Finance and LIHTE.

Conversion of Public Housing to Project-Based Assistance under RAD Units with Approved Vacancies for Modernization

Conversion of assistance under Rental Assistance Demonstration (RAD) is considered a significant amendment to the PHA's Annual Plan. As such the PHA is subject to the Consolidated Plan requirements and the public notice and Resident Advisory Board consultation requirements outlined in 24 CFR Part 903. A PHA must submit its amendment to HUD within 60 days following the delivery of HUD's Commitment to enter into a Housing Assistance Payment (CHAP). The CHAP was dated 12/12/2012.

As a result of notification from HUD that the Housing Authority of the City of Bessemer's application under the Rental Assistance Demonstration (RAD) for the conversion of assistance of 198 units at PIC Development AL125000004 Davis Heights/Asbury Howard was approved for conversion as described in the application.

In addition to the information already required by 24 CFR Part 903 for PHA Plan amendment, all PHAs must include the following information in their significant amendment:

The following is a description of the units to be converted to RAD:

B.2

Davis Heights:		
Development number: AL125000-004		
Number of Bedrooms Per Type	Total Number of Apartments	Total Net SF for Apt. Type
1	4	2,260
2	58	41,470
3	52	46,540
4	12	13,200
5	6	7,860
Totals	132	111,330

Asbury Howards:		
Development number: AL125000-004		
Number of Bedrooms Per Type	Total Number of Apartments	Total Net SF for Apt. Type
1	20	22,800
2	26	24,180
3	20	19,100
Totals	66	66,080

In reference to the above description there are NO physical or dwelling unit CHANGES.

- No policy changes required regarding eligibility or occupancy, after units have been converted.
- RAD conversion will not require policy changes to PHA's Admission and Continued Occupancy Policy (ACOP) and/or Section 8 Administrative Plan.

RAD approved application for Cobb Gardens/Hillside Homes and Thompson Manor dated March 25, 2015:

Cobb Gardens:		
Development number: AL125000-006		
Number of Bedrooms Per Type	Total Number of Apartments	
1	0	
2	0	
3	60	
4	0	
Totals	60	

B.2

Hillside Homes:**Development number: AL125000-006**

Number of Bedrooms Per Type	Total Number of Apartments
1	0
2	20
3	6
4	24
Totals	50

Thompson Manor: Senior Only**Development number: AL125000-007**

Number of Bedrooms Per Type	Total Number of Apartments
1	52
2	4
Totals	56

RAD Conversion/Development Activity Description1a. Development name: **Davis Heights**1b. Development (project) number: **AL125000-004**2. Activity type: RAD Conversion ☒

3. Application status (select one)

Approved ☒Submitted, pending approval ☐Planned application ☐4. Date application **approved**, submitted, or planned for submission: **12/14/2012**5. Number of units affected: **132**

6. Coverage of action (select one)

☐ Part of the development☒ Total development☐ Section 32

7. Timeline for activity:

a. Actual or projected start date of activity: **April 2015**b. Projected end date of activity: **December 2016****FHA 22(d) (4) Financing: \$5.2 Million + BHA Operating Reserves + Comp Grant. Final closing/FHA Loan effective March 2017**

B.2

RAD Conversion/Development Activity Description	
1a. Development name:	Asbury Howard
1b. Development (project) number:	AL125000-004
2. Activity type:	RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one)	Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission:	12/14/2012
5. Number of units affected:	66
6. Coverage of action (select one)	<input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity:	a. Actual or projected start date of activity: April 2015 b. Projected end date of activity: December 2016 FHA 22(d) (4) Financing: \$5.2 Million + BHA Operating Reserves + Comp Grant.

RAD Conversion/Development Activity Description	
1a. Development name:	J.I. Cobb Garden
1b. Development (project) number:	AL125000-006
2. Activity type:	RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one)	Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission:	March 2015
5. Number of units affected:	110
6. Coverage of action (select one)	<input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity:	a. Actual or projected start date of activity: June 2017 b. Projected end date of activity: January 2021 BHA self-financing - RCC and closing anticipated May 2017

B.2

RAD Conversion/Development Activity Description	
1a. Development name:	Thompson Manor
1b. Development (project) number:	AL125000-007
2. Activity type:	RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one)	Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission:	March 2015
5. Number of units affected:	56 – Senior Only
6. Coverage of action (select one)	<input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity:	a. Actual or projected start date of activity: April 2016 b. Projected end date of activity: August 2017 - Completed BHA Project Reserve Funds = \$600,000 +/-

RAD Conversion/Development Activity Description	
1a. Development name:	Southside Homes
1b. Development (project) number:	AL125000-005
2. Activity type:	RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one)	Approved <input checked="" type="checkbox"/> Received CHAP Phase I Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission:	October 31, 2018
5. Number of units affected:	400
6. Coverage of action (select one)	<input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity:	a. Actual or construction start date of activity: <u>01/2022</u> b. Projected end date of activity: <u>05/2025</u>

B.2 Units with Approved Vacancies for Modernization

Comprehensive Modernization of Public Housing Activity Description
1a. Development name: Cobb/Hillside
1b. Development (project) number: AL125-007
2. Coverage of action: Total Development
A Comprehensive Modernization project is well underway for Cobb/Hillside
3. Timeline for activity: a. Actual or projected start date of activity: <i>Not Determined</i> b. Projected end date of activity: <i>Not Determined</i>

Comprehensive Modernization of Public Housing Activity Description
1a. Development name: Kate Waller Homes
1b. Development (project) number: AL125-002
2. Coverage of action: Total Development
Appliances have been updated.
3. Timeline for activity: a. Actual or projected start date of activity: <i>December 2020</i> b. Projected end date of phase I of activity: <i>April 2021</i> No RAD work was completed (Capital Funds)

Comprehensive Modernization of Public Housing Activity Description
1a. Development name: Braswell Homes
1b. Development (project) number: AL125-001
2. Coverage of action: Total Development
Renovation work
3. Timeline for activity: a. Actual or projected start date of activity: <i>July 2020</i> b. Projected end date of activity: <i>December 2021</i>

B.3

Civil Rights Certification.

Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*, must be submitted by the PHA as an electronic attachment to the PHA Plan.

B.4

Most Recent Fiscal Year Audit.

(a) Were there any findings in the most recent FY Audit?

Y N

☒ ☐

(b) If yes, please describe:

Financial Statements Audit:

Finding 2019-001 – Internal Control of the Accounting Function

Condition and Criteria: *Adjusting journal entries had to be made to enable the financial statements to be presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. The unaudited Financial Data Submission (FDS) required multiple adjustments from the unaudited submission to the audited submission.*

Type of Findings: Material Weakness

Cause: *The Housing Authority's internal control structure was not adequate to prevent these deficiencies.*

Effect: *The unaudited FDS was not in conformity with accounting principles generally accepted in the United States of America.*

Questioned Costs: *No determinable at this time.*

Auditor's Recommendation: *We recommend that the Housing Authority strengthen its internal controls to prevent this deficiency in the future.*

Finding 2019-002: Housing Choice Voucher Payments to Landlords

Criteria: *The Code of Federal Regulations and HUD guidelines give the requirements relating to standards for financial management systems. Specifically, 24 CFR Part 85 Section Number 85.20 gives requirements relating to financial reporting, accounting, records, internal control, budget control, allowable costs, source documentation and cash management. A lack of internal controls and source*

B.4

documentation could lead to improper cash transactions and could create opportunities that fraudulent transactions could occur.

Condition: During the current fiscal year, the former Accounting Manager inadvertently processed a Housing Assistance Payment (HAP) payment for the landlords in order to correct the 1099s for calendar year 2018. The transactions were meant to be “dummy” transactions, but they were processed as “live” transactions. The total amount of the HAP transaction inadvertently processed was \$316,382.12. The Housing Authority, upon knowledge of these transactions, began the process of recouping the money from the landlords. As of June 30, 2019, the amount owed by landlords for these transactions totaled \$97,737.55. It should be noted that these transactions originated from the COCC General Fund account and not the Housing Choice Vouchers account.

Type of Finding: Material Weakness

Effect: The Housing Authority paid landlords money that they were not entitled to receive.

Questioned Costs: \$97,737.55

Auditor’s Recommendation: We recommend that the Housing Authority strengthen its internal controls to prevent this deficiency in the future.

B.5

Progress Report.

Provide a description of the PHA’s progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan.

PHA GOAL #1: EXPAND THE SUPPLY OF ASSISTED HOUSING

The PHA established the following objectives to strive in meeting goal #1:

- Reduce public housing vacancies
- Leverage private or other public funds to create additional housing opportunities
- Acquire or build units or developments

Progress Statement: Ongoing

PHA GOAL #2: INCREASE ASSISTED HOUSING CHOICES

The PHA established the following objectives to strive in meeting goal #2

- Conduct outreach efforts to potential voucher landlords
- Implement voucher homeownership program
- Implement public housing or other homeownership programs

Progress Statement: Ongoing

B.5 PHA GOAL #3: PROVIDE AN IMPROVED LIVING ENVIRONMENT

The PHA established the following objectives to strive in meeting goal #3

- Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments
- Implement public housing security improvements with both cameras and increased Police presence

Progress Statement: *Ongoing*

PHA GOAL #4: PROMOTE SELF-SUFFICIENCY AND ASSET DEVELOPMENT OF ASSISTED HOUSEHOLDS

The PHA established the following objectives to strive in meeting goal #4

- Increase the number and percentage of employed persons in assisted families
- Provide or attract supportive services to improve assistance recipients' employability
- Provide through partnership additional training to assisted families

Progress Statement: *Ongoing*

PHA GOAL #5: ENSURE EQUAL OPPORTUNITY AND AFFIRMATIVELY FURTHER FAIR HOUSING

The PHA established the following objectives to strive in meeting goal #5

- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability
- Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status and disability

Progress Statement: *Ongoing*

PHA GOAL #6: UPDATE MG INFO SYSTEM (MIS)

The PHA established the following objectives to strive in meeting goal #6

- Through the use of new software, develop interactive systems to promote more efficient operations
- Develop a landlord portal to self-certify
- Develop online payment system for residents

Progress Statement: *Ongoing*

B.5	<p>PHA GOAL #7: INCREASE MARKETING EFFORTS</p> <p>The PHA established the following objectives to strive in meeting goal #7</p> <ul style="list-style-type: none"> ▪ BHA shall undertake affirmative measures for families and individuals to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability. <p>Progress Statement: <i>Ongoing</i></p>
B.6	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the 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 PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations. <i>(See attachment al125a01)</i></p>
B.7	<p>Certification by State or Local Officials.</p> <p><i>Form HUD 50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.</i></p>
B.8	<p>Troubled PHA.</p> <p>a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe: <i>N/A</i></p>

C.	Statement of Capital Improvements. Required for all PHAs completing this form that administers public housing and receive funding from the Capital Fund Program (CFP).
C.1	Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD. <i>See HUD Form 50075.2 approved by HUD on</i> <u> </u> / <u> </u> / <u> </u>
	Challenged Elements.

Attachment: al125a01
Housing Authority of the City of Bessemer
Resident Advisory Board Consultation Process and Comments – FYB 2021

1. Resident notification of appointment to the Advisory Board

At beginning of PHA Plan process, sent out letter to all residents/participants of opportunity to serve on Resident Advisory Board

Please provide date

2. Resident Advisory Board Selection

Selection made from resident/participant response **Please provide date**

3. Meeting Organization

Schedule date to meet with Resident Advisory Board for input to PHA Plan

Please provide date

Notify Resident Advisory Board of scheduled meeting **Please provide date**

Hold Resident Advisory Board meeting **Please provide date**

4. Notification of Public Hearing

Schedule date for Public Hearing and place ad **Please provide date**

Notify Resident Advisory Board **Please provide date**

Hold Public Hearing meeting **Please provide date**

5. Documentation of resident recommendations and PHA's response to recommendations

Please provide the residents' recommendations/comments and the PHA response to each comment after each RAB meeting.

Attachment: al125b01

Housing Authority of the City of Bessemer

Deconcentration Policy

Admission and Continued Occupancy Policy

XIX. DECONCENTRATION RULE

A. Objective:

The objective of the Deconcentration Rule for public housing units is to ensure that families are housed in a manner that will prevent a concentration of poverty families and/or a concentration of higher income families in any one development. The specific objective of the HA is to house no less than 40 percent of its public housing inventory with families that have income at or below 30% of the area median income by public housing development. Also the HA will take actions to insure that no individual development has a concentration of higher income families in one or more of the developments. The HA will track the status of family income, by development, on a monthly basis by utilizing income reports generated by the HA's computer system.

B. Exemptions:

The following are exempt from this rule.

- Public housing development with fewer than 100 public housing units. A covered development is defined as any single development or contiguous developments that total over 100 units.
- Public housing developments, which house only elderly persons or persons with disabilities, or both.
- Public housing developments, which consist of only one general occupancy family public housing development.
- Public housing developments approved for demolition or conversion to resident based assistance.
- Mixed financing developments.

C. Actions:

To accomplish the deconcentration goals, the HA will take the following actions:

1. At the beginning of each HA fiscal year, the HA will establish a goal for housing 40% of its new admissions with families whose incomes are at or below the area median income. The annual goal will be calculated by taking 40% of the total number of move-ins from the previous HA fiscal year.
2. To accomplish the goals of deconcentration:
 - a) Not less than 40% of the HA admissions on an annual basis shall be to families that have incomes at or below 30% of area median income (extremely low-income), and
 - b) The HA shall determine the average income of all families residing in all the HA's covered developments. The HA shall determine the average income of all families residing in each covered development. In determining average income for each development, this HA has adjusted its income analysis for unit size in accordance with procedures prescribed by HUD. The HA shall determine whether each of its covered developments falls above, within or below the established income range. The established income range is from 85 to 115 percent (inclusive) of the average family income, except that the upper limit (115 percent) shall never be less than

Admission and Continued Occupancy Policy

the income at which a family would be defined an extremely low-income family.

NOTE:To calculate the extremely low-income figure: Find the average family size (HA wide) of the covered developments and extrapolate the amount from the HUD published extremely low-income limits. For example, if the average family size is 2.6, the two person limit may be \$12,400 and the three person limit may be \$13,950. Therefore, the figure will be \$12,400 plus 60% of the difference between the two figures, which is \$13,330. This figure will be recalculated upon receipt of new HUD determined income limits.

NOTE:Fair housing requirements. All admission and occupancy policies for public housing programs must comply with Fair Housing Act requirements and with regulations to affirmatively, further fair housing. The HA may not impose any specific income or racial quotas for any development or developments.

XX. COMMUNITY SERVICE POLICY

A. Each non-exempt adult public housing resident must:

1. Contribute eight hours per month of community service;
2. Participate in a self-sufficiency program for eight hours in each month; or
3. Perform eight hours per month of combined activities as described in items one and two.

NOTE:Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self responsibility in the community. Community service does not include political activities.

NOTE:For purposes of the community service requirement an adult is a person 18 years or older.

B. Exempt: An adult who:

1. Is 62 years of age or older
2. Qualifies with disabilities that prevent the individual's compliance. The individual must provide appropriate documentation to support the qualifying disability, which may include self certification. In addition, any person who is the primary caretaker of such individual is exempt.
3. Is engaged in work activities as defined in section 407(d) of the Social Security Act.
4. Is participating at least eight hours a month in a welfare-to-work program.
5. Is a member of a family receiving assistance from and in compliance with a State program funded under Part A, Title IV of the Social Security Act.

**Deconcentration and Income Mixing Worksheet and Documentation
To Complete
PHA Plan Component 3, (g) Deconcentration and Income Mixing**

PHA Name: Housing Authority of the City of Bessemer Date: May 26, 2021

Contact: Cortney Coleman, Executive Director Telephone #: 205-481-4420

Introduction:

Beginning with FYB October 1, 2001 PHA Plans, HUD required agencies to implement the Public Housing Deconcentration and Income Mixing Final Rule. Basically, PHA's are required to take actions to deconcentrate the income mix at family developments that have an average income below 85% or higher than 115% of the average income, **or at or below 30% of Area Median Income** for all covered developments.

*Effective September 5, 2002, a new Deconcentration Final Rule revised the definition of Established Income Range (EIR) to include within the EIR those developments in which the average income level is at or below 30 percent of the area median income. 24 CFR 903.2 (c)(1)(iii). Step 3 still requires PHA's to take actions to deconcentrate the income mix at family developments as stated above, except that **the upper limit shall never be less than the income at which a family would be defined as an extremely low-income family.***

This worksheet provides the documentation required to be on display.

Step I. Identify which developments are excluded by this regulation. The final rule refers to a "public housing development" which includes units or buildings with the same project number, including scattered sites. Contiguous sites with more than one project number may also be considered as one development. A development is excluded if it meets one of the requirements below.

- A. The PHA has fewer than 100 public housing units.
- B. The development houses only elderly persons, persons with disabilities or both.
- C. The PHA has only one general occupancy family development.
- D. The development has been approved for demolition or conversion to tenant-based assistance.

- E. The development is being operated in accordance with a HUD-approved mixed finance plan using HOPE VI or public housing funds awarded prior to March 7, 2001, if the PHA certifies that exemption from this regulation is needed to comply with the mixed finance plan.

Enter the name of each excluded development below and the letter corresponding to the appropriate explanation listed above:

Excluded Development	Explanation Letter(s) Above
1. Southside Homes	D - CHAP Award
2.	
3.	
4.	
5.	

If your agency has a development that does not meet any of the above criteria for exemption, mark the question below "Yes." If all of your agency's developments are exempt mark the question below "No."

- **Yes** • **No** **Does the PHA have any general occupancy (family) public housing development covered by the deconcentration rule? If no, this section is complete. If yes, continue to the next question.**

Step II. Covered Developments

- A. Developments that are not excluded are called "covered developments." List these developments in the table in D below.
- B. Determine the average income for all covered developments and enter: **\$11,500**
- C. Determine the average income for each covered development and enter in the table in D below.
- D. Below list each covered development, and the average income for each covered development.

Covered Development Name	Total # Units	Total # Occupied	Average Income
Braswell Homes			
Sunset Homes			
Davis Heights			

Please provide the Area Median Income: **\$35,850**

\$ X 85% = \$

\$ X 115% = \$

\$ X 30% = \$0

Established Income Range (EIR) = \$ to \$

DATA COLLECTION TOOL FOR INFORMATION TO COMPLETE FORM HUD 50075- STANDARD-TROUBLED

Housing Authority of the City of Bessemer

The following information is needed to complete the form HUD-50075-ST Annual PHA Plan.

A. PHA Information

PHA Name: Housing Authority of the City of Bessemer

PHA Code: AL125

PHA Type: ☒ Standard ☐ Troubled

PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/2021

PHA Inventory (based on ACC units at time of FY beginning above)

Number of Public Housing (PH) Units: 702

Number of Housing Choice Vouchers (HCVs): 473

Number of VASH units: 87

Total Combined 1,262

PHA Plan Submission Type: ☒ Annual Submission
☐ Revised Annual Submission

The following are the specific locations where the public may obtain copies of the 2021 Annual Plan:

- Administrative Office – 1515 Fairfax Avenue, Bessemer, AL 35020

☐ **PHA Consortia:** (Check box if submitting a joint Plan and complete table below.)

Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
Lead HA:					

Have the following PHA Plan elements been revised by the PHA since its last PHA Plan submission?

- (a) ☒ **Statement of Housing Needs and Strategy for Addressing Housing Needs**
☒ **Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions**
☒ **Financial Resources**
☐ **Rent Determination**
☒ **Operation and Management**
☐ **Grievance Procedures**
☐ **Homeownership Programs**
☒ **Community Service and Self-Sufficiency Programs**
☐ **Safety and Crime Prevention (including VAWA)**
☐ **Pet Policy**
☐ **Asset Management**
☐ **Substantial Deviation**
☐ **Significant Amendment /Modification**
- (b) The PHA must submit its Deconcentration Policy for Field Office Review (*See attachment al125b01*).

B.1 Revision of PHA Plan Elements.

Statement of Housing Needs and Strategy for Addressing Housing Needs

Statement of Housing Needs

According to the 2010-2014 Consolidated Plan, families in the Housing Authority of the City of Bessemer's jurisdiction are greatly impacted by a lack of affordable housing.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/> Section 8 tenant-based assistance <input checked="" type="checkbox"/> Public Housing <input type="checkbox"/> Combined Section 8 and Public Housing <input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	280		
Extremely low income <=30% AMI	257	92%	
Very low income (>30% but <=50% AMI)	0	0%	
Low income (>50% but <80% AMI)	0	0%	
Families with children	66	24%	
Elderly families	31	11%	
Families with Disabilities	97	35%	
White	14	5%	
Black/African American	266	95%	
American Indian/Alaska Native	0	0%	
Asian	0	0%	
Native Hawaiian/Other Pacific Islander	0	0%	
Hispanic	0	0%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	204	73%	
2 BR	46	16%	
3 BR	12	4%	
4 BR	11	4%	
5 BR	5	2%	
5+ BR	N/A	N/A	
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)? N/A			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes N/A			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input checked="" type="checkbox"/>	Section 8 tenant-based assistance		
<input type="checkbox"/>	Public Housing		
<input type="checkbox"/>	Combined Section 8 and Public Housing		
<input type="checkbox"/>	Public Housing Site-Based or sub-jurisdictional waiting list (optional)		
If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	592		
Extremely low income <=30% AMI			
Very low income (>30% but <=50% AMI)			
Low income (>50% but <80% AMI)			
Families with children	389	66%	
Elderly families	5	1%	
Families with Disabilities	44	7%	
White	7	1%	<i>These numbers add</i>
Black/African American	536	91%	<i>up to 551-should add</i>
American Indian/Alaska Native	0	0%	<i>Up to waiting list total of 592</i>
Asian	6	1%	
Native Hawaiian/Other Pacific Islander	0	0%	
Hispanic	2	0.34%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	N/A	N/A	
2 BR	N/A	N/A	
3 BR	N/A	N/A	
4 BR	N/A	N/A	
5 BR	N/A	N/A	
5+ BR	N/A	N/A	
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)? <i>N/A</i>			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes <i>N/A</i>			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed?			
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			

Strategies for Addressing Housing Needs

Need: Shortage of affordable housing for all eligible populations

PHA shall maximize the number of affordable units available to the PHA within its current resources by:

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Seeking replacement of public housing units lost to the inventory through mixed finance development
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Partnering with the City of Bessemer or City-wide Affordable Housing Strategy

PHA shall increase the number of affordable units available by:

- Apply for additional Section 8 units should they become available
- Leverage affordable housing resources in the wider community through the creation of mixed finance housing options
- Applying for any HUD affordable Housing Demonstrations

Need: Specific Family Types: Families at or below 30% of median *N/A*

Need: Specific Family Types: Families at or below 50% of median *N/A*

Need: Specific Family Types: The Elderly *N/A*

Need: Specific Family Types: Families with Disabilities *N/A*

Need: Specific Family Types: Races or ethnicities with disproportionate housing needs *N/A*

PHA will conduct activities to affirmatively further fair housing by:

- Counsel Section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units

Reason for Selecting Strategies:

- Partnering with City of Bessemer on its Affirming Fair Housing Plan

Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions

Public Housing

(1) Eligibility

Equal Access

The term "family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
- (2) A group of persons residing together and such group includes, but is not limited to:
 - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (ii) An elderly family;
 - (iii) A near-elderly family;
 - (iv) A disabled family;
 - (v) A displaced family; and
 - (vi) The remaining member of a tenant family.

Disabled family means a family whose head (including co-head), spouse or sole member is a person with a disability.

Elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age.

Near elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62.

Sexual orientation means homosexuality, heterosexuality or bisexuality.

Gender identity means actual or perceived gender-related characteristics.

The Housing Authority of the City of Bessemer verifies eligibility for admission to public housing by selecting families in sufficient quantity to meet current vacancy/occupancy needs.

The PHA uses the following non-income screening factors to establish eligibility for admission to public housing:

- Criminal or Drug-related activity
- Rental history
- Housekeeping

The Housing Authority requests criminal records from the following enforcement agencies for screening purposes:

- Local law enforcement agencies
- State law enforcement agencies

(2) Selection and Assignment

Selection for admission to public housing shall be made from the PHA's current waiting list in accordance with date and time of application and applicable preference(s) as follows.

(3) Preferences

The PHA does not plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of the median area income.

It is the policy of the PHA that transfers will take precedence over new admissions in the following circumstances:

- Health reasons
- Relocation to an appropriately sized unit
- Initiated by the PHA due to modernization work and/or other good cause as determined by PHA

Priority transfers are listed below:

1. The PHA mandated and transfers for reasons of health as described above are mandatory transfers and take priority over new admissions
2. Other PHA initiated transfers are high priorities; the Executive Director has discretion to determine when these transfers should take precedence over admissions

Within each priority type, transfers will be ranked by date. (See ACOP for full disclosure of Transfer Procedures)

Preferences establish the order of placement on the waiting list and will only be granted to applicants who are otherwise qualified and who at the time of the unit offer (prior to execution of lease) meet the definitions of the preferences described fully in the Admissions and Continued Occupancy Policy (ACOP).

The PHA has established and will employ the following admission preferences for admission to public housing with Preference 1 being the highest priority and Preference 7 being the lowest priority.

Priority

Preference

Preference 1:

Natural Disaster (PH Resident)

This selection preference is for a public housing family or individual in the City of Bessemer or another jurisdiction, affected by a federal and/or state natural disaster.

Preference 2:

Natural Disaster (Non-PH Resident)

This selection preference is for all other families or individuals affected by a federal and/or state declared natural disaster.

Preference 3:

Displaced – individuals or families displaced within the City Limits of Bessemer

This selection preference is for individuals or families displaced by government action (i.e., required to move by level of government: federal, state or local), refugees as defined by federal law; and individuals (within the City limits of Bessemer, Alabama) displaced due to the inaccessibility of a unit including fire/flood or other casualty to the unit; and/or HUD disposition of a HUD multi-family project, or individuals displaced by domestic violence.

Preference 4:

Veterans

This selection preference is for an individual who has served on active duty in the U. S. Army, Navy, Air Force, Marine Corps, or Coast Guard, but for not less than ninety days active service and no longer on active duty. Persons who have served in the National Guard or Military Reserves are classified as veterans only if they have been called or ordered to active duty.

The veteran preference shall include the spouse, surviving spouse, dependent parent or dependent child of a veteran and the divorced spouse of a veteran who is legal guardian of a child of the veteran.

Preference 5:

Working Full-Time

To qualify for this selection preference, the head-of-household, spouse, or sole member of the family must work for wages, commissions, or other consideration of value and demonstrate full-time employment (32 hours or more per week) at the time of application and at the time of unit offer. (See additional qualification criteria for this preference in the BHA ACOP.)

NOTE: A head-of-household, spouse or sole member aged 62 or older, or a person with disabilities is eligible for this preference. Also, persons receiving unemployment.

Preference 6:

Working Part-Time

To qualify for this preference, the head-of-household, spouse, or sole member of the family must work for wages, commission, or other consideration of value, and demonstrate part-time employment (20 hours to 31 hours per week) at the time of application and at the time of unit offer. (See additional qualification criteria for this preference in the BHA ACOP.)

NOTE: A head-of-household, spouse or sole member aged 62 or older, or a person with disabilities is eligible for this preference.

Preference 7: Job Training and other Certified Development Programs

To qualify for this preference, the head-of-household, spouse, or sole member of the family must be participating in an education or employment program funded by HUD, the Workforce Investment Board, or any other federal, state, or local organization whose primary purpose is to prepare low and very low-income individuals for economic independence or family self-sufficiency. Such participation must be for a minimum of twenty (20) hours per week and must be verified in writing by the program provider.

NOTE: Applications will be reviewed and placed in consecutive order by each preference category, date/time stamped, and assigned accordingly. If an applicant qualifies for more than one preference, the applicant will be placed in the highest preference category on the waiting list.

Among applicants on the waiting list with equal preference status applicants are selected by date and time of application.

In relationship of preferences to income targeting requirements, the pool of applicant families ensures that the PHA will meet income targeting requirements.

Special Circumstances Preferences:

These preferences apply only to specific units;

- For one bedroom/efficiency units; elderly, disabled families and displaced persons over single persons.
- The PHA has designated Thompson Manor as an elderly-only development in accordance with HUD regulations, and will only offer available units for occupancy to elderly and disabled families 62 years or age or older.
- The PHA has designated specific buildings in the Southside Homes development for occupancy by elderly, near elderly and disabled families only.

(4) Unit Assignment

Applicants are ordinarily given two (2) vacant unit choices before they fall to the bottom of or are removed from the waiting list. This policy is consistent across all waiting list types (See ACOP for details on unit offers).

(5) Maintaining Waiting List

It is the policy of the Housing Authority of the City of Bessemer that each applicant shall be assigned his/her appropriate place on a single community-wide waiting list in sequence based upon:

- Type and size of unit needed (e.g., general occupancy building, accessible or non-accessible unit, number of bedrooms);
- Applicant preference or priority; and
- Date and time the application is received

Interested persons may apply for admission to public housing at the main administrative office located at 1515 Fairfax Avenue South, Bessemer, AL 35020.

The Housing Authority of the City of Bessemer does not plan to operate any site-based waiting lists.

(6) Occupancy

Applicants and residents may use the following reference materials to obtain information about the rules of occupancy of public housing.

- PHA-resident lease
- PHA's briefing seminars or written materials

Residents must notify the PHA of changes in family composition:

- At an annual reexamination and lease renewal
- Any time family composition changes (within 10 days of change)

(7) Deconcentration and Income Mixing (See TAB 5)

The PHA has performed its annual deconcentration and income mixing analysis to determine if the PHA has any general occupancy public housing developments covered by the deconcentration rule. The analysis results follow:

The PHA **does/does not have** general occupancy public housing developments covered by the deconcentration rule.

The **following/none of the** covered developments have average incomes that fall above or below the Established Income Range.

Deconcentration Policy for Covered Developments			
Development Name:	Number of Units	Explanation (if any) [see step 4 at §903.2(c)(1)(iv)]	Deconcentration policy (if no explanation) [see step 5 at §903.2(c)(1)(v)]

Section 8

(1) Eligibility

Equal Access

The term "family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person or any other single person; or
- (2) A group of persons residing together and such group includes, but is not limited to:
 - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (ii) An elderly family;
 - (iii) A near-elderly family;
 - (iv) A disabled family;
 - (v) A displaced family; and
 - (vi) The remaining member of a tenant family.

Disabled family means a family whose head (including co-head), spouse or sole member is a person with a disability.

Elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age.

Near elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62.

Sexual orientation means homosexuality, heterosexuality or bisexuality.

Gender identity means actual or perceived gender-related characteristics.

The PHA conducts screening to the extent of:

- PHA checks all criminal records through a private vendor

The Housing Authority requests criminal records from the following enforcement agencies for screening purposes:

- Local law enforcement agencies

The PHA shares the following information with prospective landlords:

- Prior landlord information
- Tenancy history regarding rent payment or damage history

(2) Waiting List Organization

The Housing Authority of the City of Bessemer's waiting list for the Section 8 tenant-based assistance is not merged with any other program waiting list.

Interested persons may apply for admission to Section 8 tenant-based assistance at:

- PHA property as designated at time of process

(3) Search Time

The PHA does give extensions on standard 60-day period to search for a unit as follows:

- Medical excuse
- When they can show/prove they have been searching

(4) Preferences

The PHA does not plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the Section 8 Program to families at or below 30% of the median area income.

The PHA plans to employ the following admission preferences for admission to Section 8 tenant-based assistance:

Priority **Preference**

Preference 1: Displaced

This preference is for individuals or families displaced by government action (i.e., required to move by level of government: federal, state or local), evacuees (as defined by federal law), and individuals displaced due to the inaccessibility of a unit including fire/flood or other casualty to the unit; and/or HUD disposition of a HUD multi-family project, or individuals displaced by domestic violence.

Applicants claiming this preference will be required to provide documentation from a federal, state or local agency that clearly verifies information in regard to the preference.

Preference 2: Veterans

This preference is an individual who has served on active duty in the U. S. Army, Navy, Air Force, Marine Corps, or Coast Guard, but not less than ninety days' active service and is no longer on active duty. Persons who served in the National Guard or Military Reserves are classified as veterans only if they have been called or ordered to active duty.

The veteran preference shall include the current spouse, surviving spouse, dependent parent or dependent child of a veteran and the divorced spouse of a veteran who is legal guardian of a dependent child of the veteran.

NOTE: To qualify as a surviving spouse the applicant must have been married at the time of the veteran's death and never remarried.

Applicants claiming this preference will be required to provide U. S. Government documents which indicate that the applicant qualifies under the above definition before admission to the program.

Preference 3: Working Full-Time

To qualify for this selection preference, the head-of-household, spouse, or sole member of the family must work for wages, commissions, or other consideration of value and demonstrate full-time employment (32 hours or more per week) at the time of application and at the time of unit offer. (See additional qualification criteria for this preference in the BHA Section 8 Administrative Plan.)

NOTE: A head-of-household, spouse or sole member aged 62 or older, or a person with disabilities is eligible for this preference.

Preference 4: Working Part-Time

To qualify for this preference, the head-of-household, spouse, or sole member of the family must work for wages, commission, or other consideration of value, and demonstrate part-time employment (20 hours to 31 hours per week) at the time of application and at the time of unit offer. (See additional qualification criteria for this preference in the BHA Section 8 Administrative Plan.)

NOTE: A head-of-household, spouse or sole member aged 62 or older, or a person with disabilities is eligible for this preference.

Preference 5: Job Training and other Certified Development Programs

To qualify for this preference, the head-of-household, spouse, or sole member of the family must be participating in an education or employment program funded by HUD, the Workforce Investment Board, or any other federal, state, or local organization whose primary purpose is to prepare low and very low-income individuals for economic independence or family self-sufficiency. Such participation must be for a

minimum of twenty (20) hours per week and must be verified in writing by the program provider.

Additionally, the BHA may, from time to time, certify other programming that may qualify for this preference.

NOTE: Applications will be reviewed and placed in consecutive order by each preference category, date/application number, and assigned accordingly.

Among applicants on the waiting list with equal preference status applicants are selected by date and time of application.

In relationship of preferences to income targeting requirements, the pool of applicant families ensures that the PHA will meet income targeting requirements.

(5) Special Purpose Section 8 Assistance Programs

The policies governing eligibility, selection and admissions to any special-purpose Section 8 program administered by the PHA are contained in the following documents or other reference materials:

- The Section 8 Administrative Plan
- Briefing sessions and written materials

The PHA announces the availability of any special-purpose Section 8 program to the public through:

- Published notices

Financial Resources

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2021 grants)		
a) Public Housing Operating Fund	3,500,000.00	
b) Public Housing Capital Fund	1,895,316.00	
c) HOPE VI Revitalization		
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	3,960,000.00	
f) Resident Opportunity and Self-Sufficiency Grants	61,609.00	
g) Community Development Block Grant		
h) HOME		
Other Federal Grants (list below)		
2. Prior Year Federal Grants (unobligated funds only) (list below)		
AL09P125501-19	627,268.00	Public housing capital improvements
AL09P125501-20	1,922,834.00	Public housing capital improvements
3. Public Housing Dwelling Rental Income	1,166,000.00	Public housing operations
4. Other income (list below)	10,000.00	Public housing operations
5. Non-federal sources (list below)		
Total resources	\$13,143,027.00	

Rent Determination

Public Housing

(1) Income Based Rent Policies

a. Use of discretionary policies

The PHA will employ discretionary rent-setting policies for income-based rent in public housing.

b. Minimum Rent

The PHA has established a minimum rent of \$50.00 for the Public Housing program.

The Housing Authority of the City of Bessemer has adopted the following discretionary minimum rent hardship exemption policies.

The minimum rent shall be \$50 per month, but a hardship exemption shall be granted to residents who can document that they are unable to pay the \$50 because of a long-term hardship (over 90 days). Examples under which residents would qualify for the hardship exemption to the minimum rent would be limited to the following:

- The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
- The family would be evicted as a result of the imposition of the minimum rent requirements;
- The income of the family has decreased because of changed circumstances, including loss of employment;
- A death in the family has occurred; or
- Other circumstances as determined by the PHA

c. Rents set at less than 30% than adjusted income

The PHA does not plan to charge rents at a fixed amount or percentage less than 30% of adjusted income.

d. Discretionary deductions and/or exclusion policies

The PHA does not plan to employ any discretionary (optional) deductions and/or exclusions policies.

e. Ceiling Rents

The PHA has ceiling rents set for all of its developments. The ceiling rents were arrived at by taking into consideration the following:

- Market comparability study
- Fair market rents (FMR)

f. Rent Re-determinations

Between annual income reexaminations, the tenant must report changes in income or family composition to the PHA as follows, such that the changes result in an adjustment to rent:

- Ten (10) days from the date of the change in income or family composition

g. Individual Savings accounts (ISAs)

The PHA does not plan to implement individual savings accounts for residents as an alternative to the required 12-month disallowance of earned income and phasing in of the rent increase in the next year.

(2) Flat Rents

In setting the market-based flat rents, the PHA used the following sources of information to establish comparability.

- Survey of similar unassisted units in the neighborhood
- Guidelines found in the 2015 Appropriations Act (PIH 2015-13) in determining the Public Housing Flat Rent schedule. The PHA will establish a flat rent for each public housing unit that is no less than 80% of the applicable Fair Market Rent (FMR)

Section 8

(1) Payment Standards

The PHA's payment standard is at 100% of FMR.

The PHA reevaluates the payment standards for adequacy annually and considers the following factors in its assessment of the adequacy:

- Success rates of assisted families
- Rent burdens of assisted families
- HUD funding

(2) Minimum Rent

The PHA has established a minimum rent of \$50.00 for the Section 8 Housing Choice Voucher Program.

The PHA has adopted the following discretionary minimum rent hardship exemption policies.

The minimum rent for Section 8 participants is \$50.00. All Voucher families will contribute the highest of thirty percent (30%) of monthly adjusted income, ten percent (10%) of monthly gross income, or the minimum rent toward the rent plus any rent above the applicable Payment Standard.

1. The minimum rent requirement may be waived under certain circumstances. Financial hardship status is to be granted immediately for ninety (90) days in the event of the following:
 - a. The family has lost eligibility or is awaiting an eligibility determination to receive federal, state or local assistance, including a family having a non-citizen household member lawfully admitted for permanent residence and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
 - b. The family income has decreased due to changed circumstances such as separation, divorce, and abandonment;
 - c. One or more family members have lost employment;
 - d. The family would be evicted as a result of imposing the minimum rent requirement;
 - e. There has been a death in the family; or

- f. There are other hardship situations determined by the PHA on a case-by-case basis, i.e., alimony, child support, etc.
Financial hardship exemption only applies to payment of minimum rent - not to rent based on the statutory formula for determining the Total Tenant Payment (TTP).
2. If tenant initiates a request for a hardship exemption that the PHA determines is temporary in nature:
 - a. If the hardship is determined to be temporary, minimum rent may be suspended; during the ninety (90) day period beginning on the day the request is made. At the end of the ninety (90) day period, the minimum rent is reinstated retroactively to the date of suspension and the HAP is again adjusted.
 - b. In the case of a temporary hardship, the PHA will allow the family a maximum of six (6) months to make payment of any delinquent minimum rent payments accrued during the suspension period. However, the family must execute a Repayment Agreement.
 - c. If the hardship is subsequently determined to be long-term, the PHA will retroactively exempt residents from the minimum rent requirement for the ninety (90)-day period.
 - d. Note that the PHA can only suspend the minimum rent contribution. If the family is residing in a unit whose Gross Rent exceeds the Payment Standard, the family will be responsible for the excess rent.
3. Hardship determinations are subject to the PHA's Informal Hearing Process and families are exempt from any escrow deposit that may be required under regulations governing the hearing process for other determinations.

Operation and Management

(1) PHA Management Structure

- a. A brief description of the management structure and organization of the PHA. **(See attachment al125d01)**

b. HUD Programs Under PHA Management

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	702	120
Section 8 Vouchers	473	36
Section 8 VASH Vouchers	87	10
Section 8 Mod Rehab	N/A	N/A
Special Purpose Section 8 Certificates/Vouchers (list individually)	N/A	N/A
Other Federal Programs (list individually)	N/A	N/A

c. Management and Maintenance Policies

The PHA has adopted the following policies that contain the Agency's rules, standards, and policies that govern management, operation, and maintenance of the Public Housing and Section 8 assistance programs.

Public Housing Management:

- Admissions and Continued Occupancy Policy
- Dwelling Lease
- Assistance Animal Policy
- Community Service Policy
- Criminal Trespass Policy
- Enterprise Income Verification (EIV/UIV) Policy
- Fraud Policy
- Pest Eradication and Prevention Policy
- Mold Prevention Policy
- Reasonable Accommodation Policy
- Rent Collection & Eviction Policy
- Reservation of Rights
- Security Deposit Agreement Policy
- Smoke Detector Policy
- Violence Against Women Reauthorization Act (VAWA) Policy and Emergency Transfer Plan
- Smoke-Free Housing Policy

Section 8 Management:

- HCV Administrative Plan
- EIV/UIV Policy
- Fraud Policy
- Reasonable Accommodation Policy

Grievance Procedures

Public Housing

The PHA has not established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing.

Residents or applicants who desire to initiate the PHA grievance Process should contact the following:

- PHA main administrative office

Section 8

The PHA has not established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982.

Section 8 applicants or assisted families who desire to initiate the informal review and informal hearing process should contact the following:

- PHA main administrative office

Homeownership Programs

Public Housing

BHA Section 32 Scattered Site Plan:

BHA will submit plans for a Section 32 Housing Program. The goal will be acquisition of 12-14 houses per year for up to 56-60 homes over a four (4) year period. These homes in turn will be rehabilitated and sold by the lease-purchase method, using BB&T Bank as underwriter or FHA 203(K) Loans. The anticipated Replacement Housing Fund for Sunset Homes Demolition, 2012 will be used in the purchase and predevelopment

phase of the program. All of the mixed financial dollars used will meet HUD requirements as approved by HUD/SAC and HUD Headquarters Office of Public Housing Investments. The Section 32 application scope has been outlined in meeting with the HUD/Birmingham office on September 20, 2011 and again on November 3, 2011. The BHA Commissioners authorize the Executive Director to proceed at its October 20, 2011 Board Meeting: Actual submission in June 2017. To make Section 32 application, the Mayor of Bessemer has added support of the proposed Scattered Site Replacement Housing plan in meetings held in September and November 2011 as aftermath of the flood devastation which impacted the City of Bessemer.

Section 8 Tenant Based Assistance

The PHA does administer a Homeownership Program for Section 8.

The PHA will limit the number of families participating in the Section 8 Homeownership option to 20 or fewer participants per year.

The PHA has established eligibility criteria for participation in its Section 8 Homeownership Option Program in addition to HUD criteria.

Community Service and Self-Sufficiency Programs

A. PHA Coordination with the Welfare (TANF) Agency.

1. The PHA has not entered into a cooperative agreement with the TANF Agency, to share information and /or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937.)
2. Other coordination efforts between the PHA and TANF agency include:
 - Client referrals
 - Information sharing regarding mutual clients (for rent determinations and otherwise)

B. Services and programs offered to residents and participants by the Housing Authority of the City of Bessemer are as follows:

(1) General

a. Self-Sufficiency Policies

The PHA will not employ discretionary policies to enhance the economic and social self-sufficiency of assisted families.

b. Economic and Social self-sufficiency programs

The PHA coordinates, promotes or provides the following policies or programs for the enhancement of the economic and social self-sufficiency of assisted families.

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
Referral Services, Computer Training, Job Search Service and Counseling	N/A	As needed	PHA Main Office, PHA public housing management offices and A. G. Gaston Boys and Girls Club	Both
GED Classes			Southside Homes Community Center	Both

On March 31, 2014, through collaboration with Lawson State Community College Adult Education Program, the PHA started GED classes. The GED classes are located at the Southside Homes Community Center and in conjunction with the GED classes; PHA also provides computers for students to use while they are in class.

The goal of the PHA's GED Program is to provide opportunities for the residents of the PHA to become self-sufficient.

(2) Family Self Sufficiency Programs

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants	Actual Number of Participants (As of: 05/25/2021)
Public Housing	24	38
Section 8	21	31

The Bessemer Profits-Profit Development Corporation has been awarded the 2012 ROSS Service Coordinator grant. The organization was awarded \$486,000 for three (3) years to pay the salaries, training and administrative cost for two (2) ROSS Service Coordinators.

C. Welfare Benefit Reductions

The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by:

- Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- Informing residents of new policy on admission and reexamination

D. Community Service Requirement

Pursuant to section 12(c) of the U. S. Housing Act of 1937, the PHA will comply with requirements of community service by identifying the number of tenants required to perform community service, the number of tenants granted exemptions, the number of tenants in non-compliance, and the number of tenants terminated/evicted due to non-compliance.

Description of the Community Service Policy

A. Background

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes and other activities which help an individual toward self-sufficiency and economic independence. This is a requirement of the Public Housing Lease.

B. Definitions

Community Service – volunteer work which includes, but is not limited to:

1. Work at a local school, hospital, or child care center
2. Work with youth organizations
3. Helping neighborhood groups with special projects
4. Working through resident organization to help other residents with problems

NOTE: Political activity is excluded.

Self Sufficiency Activities – activities which include, but are not limited to:

1. Job training programs
2. Substance abuse or mental health counseling
3. English proficiency or literacy (reading) classes
4. Budgeting and credit counseling
5. Any kind of class that helps a person toward economic independence

Exempt Adult – an adult member of the family who:

1. Is 62 years of age or older
2. Has a disability that prevents him/her from being gainfully employed
3. Is the caretaker of a disabled person
4. Is working at least 20 hours per week
5. Is participating in a welfare to work program
6. Is receiving assistance from TANF and is in compliance with job training and work activities requirements of the program.

C. Requirements of the Program

1. The eight (8) hours per month may be either volunteer work or self-sufficiency program activity or a combination of the two.
2. At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The Authority will make the determination of whether to allow or disallow a deviation from the schedule.
3. Family Obligations
 - a. At lease execution or re-examination after October 1, 1999, all adult members (18 or older) of a public housing resident family must
 - 1) provide documentation that they are exempt from Community Service requirement if they qualify for an exemption, and
 - 2) sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the Community Service requirement will result in non-renewal of their lease.

- b. At each annual re-examination, non-exempt family members must present a completed documentation form (to be provided by the Authority) of activities performed over the previous twelve (12) months. This form will include places for signatures of supervisors, instructors, or counselors certifying to the number of hours contributed.
 - c. If a family member is found to be noncompliant at re-examination, he/she and the Head of Household will sign an agreement with the Authority to make up the deficient hours over the next twelve (12) month period.
 - d. Change in exempt status:
 - 1) If, during the twelve (12) month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to the Authority and provide documentation of such.
 - 2) If, during the twelve (12) month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the Authority. The Authority will provide the person with the Recording/Certification documentation form and a list of agencies in the community that provide volunteer and/or training opportunities.
4. Authority Obligations
- a. To the greatest extent possible and practicable, the Authority will
 - 1) Provide names and contacts at agencies that can provide opportunities for residents, including disabled, to fulfill their Community Service obligations. (According to the Quality Housing and Work Responsibility Act, a disabled person who is otherwise able to be gainfully employed is not necessarily exempt from the Community Service requirement)
 - 2) Provide in-house opportunities for volunteer work or self-sufficiency programs.
 - b. The Authority will provide the family with exemption verification forms and Recording/Certification documentation forms and a copy of this policy at initial application and at lease execution.
 - c. The Authority will make the final determination as to whether or not a family member is exempt from the Community Service requirement. Residents may use the Authority's Grievance Procedure if they disagree with the Authority's determination.
 - d. Noncompliance of family member
 - 1) At least thirty (30) days prior to annual re-examination and/or lease expiration, the Authority will begin reviewing the exempt

- or non-exempt status and compliance of family members.
- 2) If the Authority finds a family member to be noncompliant, the Authority will enter into an agreement with the noncompliant member and the Head of Household to make up the deficient hours over the next twelve (12) month period.
 - 3) If, at the next annual re-examination, the family member still is not compliant, the lease will not be renewed and the entire family will have to vacate, unless the noncompliant member agrees to move out of the unit.
 - 4) The family may use the Authority's Grievance Procedure to protest the lease termination.

Community Service Implementation Report:

- Number of tenants required to perform community service: ____
- Number of tenants performing community service: ____
- Number of tenants granted exemptions: ____
- Number of tenants in non-compliance: ____
- Number of tenants terminated/evicted due to non-compliance: ____

Safety and Crime Prevention

The PHA's plan for safety and crime preventions to ensure the safety of the public housing residents is addressed below.

A. Need for measures to ensure the safety of public housing residents:

1. Description of the need for measures to ensure the safety of public housing residents.
 - Residents fearful for their safety and/or the safety of their children
 - Observed lower-level crime, vandalism and/or graffiti
 - People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violence and/or drug-related crime
2. Information or data used by the PHA to determine the need for PHA actions to improve safety of residents:
 - Safety and security survey of residents
 - Analysis of crime statistics over time for crimes committed "in and around" public housing authority
 - Resident reports

- PHA employee reports
- Police reports

3. Developments that are most affected:

- Sunset Homes
- Southside Homes
- Braswell Homes
- Davis Heights

B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year.

1. Below is a list of crime prevention activities the PHA has undertaken or plans to undertake:

- Crime Prevention Through Environmental Design
- Volunteer Resident Patrol/Block Watchers Program

2. Developments that are most affected:

- Sunset Homes
- Southside Homes
- Braswell Homes
- Davis Heights

C. Coordination between PHA and the police.

1. Description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities:

- Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan
- Police are providing crime data to housing authority staff for analysis and action
- Police have established a physical presence on housing authority property (e.g., community policing office)
- Police regularly meet with the PHA management and residents
- Agreement has been established between PHA and local law enforcement agency for provision of above-baseline law enforcement services

2. Developments that are most affected:

- Sunset Homes
- Southside Homes
- Braswell Homes
- Davis Heights

Violence Against Women Act (VAWA)

(See attachment al125c01)

Pet Policy

(See attachment al125e01)

Asset Management

Pursuant to HUD regulations, the PHA has successfully converted to required asset-based management.

Substantial Deviation/Significant Amendment or Modification

BHA defines substantial deviation as significant amendments or modifications which materially impact the goals and objectives of the 5-year and/or Annual Plan. This would include any changes in the mission statement or a major revision or abandonment of one or more of the previous years' goals.

The following actions are defined as substantial deviations or significant amendments or modifications to the annual plan:

- 1) Safety and Crime Prevention Updates
- 2) HUD Fair Housing Posters will be distributed to all sites and Administrative Offices in both Spanish and English
- 3) BHA applied for HUD's 2012 Rental Assistance Demonstration and was awarded a CHAP December 14, 2012. BHA will follow all instructions in order to fulfill the CHAP Milestones which have a closing on or before December 27, 2013, in addition BHA will submit two additional properties by May 2013 for consideration for Conversion. A total of 228 units.
- 4) Flat Rent Significant Amendment:
The BHA hereby amends its flat rent policies to comply with the statutory changes contained within Public Law 113-76, the Fiscal Year 2014 Appropriation Act.

The BHA will set the flat rent for each public housing unit that complies with the requirement that all flat rents be set at no less than 80 percent of the applicable Fair Market Rent (FMR). The new flat rental amount will apply to all new program admissions effective June 1, 2014. For current program participants that pay the flat rental amount, the new flat rental amount will be offered, as well as the income-based rental amount, at the next annual rental option.

The BHA will place a cap on any increase in a family's rental payment that exceed 35 percent, and is a result of changes to the flat rental amount as follows:

- Multiply the existing flat rental payment by 1.35 and compare that to the updated flat rental amount;
- The PHA will present two rent options to the family as follows:
 - The lower of the product of the calculation and the updated flat rental amount; and
 - The income-based rent

New Activities

Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?

- ☐ **Hope VI or Choice Neighborhoods**
- ☒ **Mixed Finance Modernization or Development**
- ☐ **Demolition and/or Disposition**
- ☐ **Designated Housing for Elderly and/or Disabled Families**
- ☐ **Conversion of Public Housing to Tenant Based Assistance**
- ☒ **Conversion of Public Housing to Project Based Assistance under RAD**
- ☐ **Occupancy of Over-Income Families**
- ☐ **Occupancy by Police Officers**
- ☐ **Non-Smoking Policies**
- ☐ **Project Based Vouchers**
- ☒ **Units with Approved Vacancies for Modernization**
- ☐ **Other Capital Grant Programs**

Hope VI or Choice Neighborhoods

The PHA has not received a HOPE VI revitalization grant.

The PHA does not plan to apply for a HOPE VI Revitalization grant in the Plan year.

Mixed Finance Modernization or Development

The PHA will be engaging in mixed-finance development activities for public housing in the Plan year.

The PHA will be conducting other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement.

The PHA will phase out clotheslines at all PHA properties through modernization. Clotheslines will only be provided to those residents whose units do not have dryer connections.

Clotheslines will also be provided through reasonable accommodations to those residents who make a request.

Mixed Finance Activity Description
1a. Development name: Hillside Homes Phase #2
1b. Development (project) number: AL125000-006
2. Activity type: Demolition <input type="checkbox"/> Disposition <input type="checkbox"/> Mixed Finance <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission: 10/31/15
5. Number of units affected: 60 multi-family units
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 08/2021 b. Projected end date of activity: 03/2023

The property was in an application by Jefferson County Office of Community & Economic Development to HUD for the Disaster Sustainability Grant. BHA options are, single family subdivision using Chapter 32 Homeownership request to HUD/PH or Single Family using Mixed Finance and LIHTE.

Demolition and/or Disposition

The PHA does not plan to conduct any demolition or disposition activities in the plan Fiscal Year.

Designated Housing for Elderly and Disabled Families

The PHA has designated or applied for approval to designate or plans to apply to designate public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year. Thompson Manor is designated as elderly/disabled.

Conversion of Public Housing to Tenant Based Assistance

The PHA is not planning to convert any Public Housing to Tenant Based Assistance.

Conversion of Public Housing to Project-Based Assistance under RAD

Conversion of assistance under Rental Assistance Demonstration (RAD) is considered a significant amendment to the PHA's Annual Plan. As such the PHA is subject to the Consolidated Plan requirements and the public notice and Resident Advisory Board consultation requirements outlined in 24 CFR Part 903. A PHA must submit its amendment to HUD within 60 days following the delivery of HUD's Commitment to enter into a Housing Assistance Payment (CHAP). The CHAP was dated 12/12/2012.

As a result of notification from HUD that the Housing Authority of the City of Bessemer's application under the Rental Assistance Demonstration (RAD) for the conversion of assistance of 198 units at PIC Development AL125000004 Davis Heights/Asbury Howard was approved for conversion as described in the application.

In addition to the information already required by 24 CFR Part 903 for PHA Plan amendment, all PHAs must include the following information in their significant amendment:

The following is a description of the units to be converted to RAD:

Davis Heights:		
Development number: AL125000-004		
Number of Bedrooms Per Type	Total Number of Apartments	Total Net SF for Apt. Type
1	4	2,260
2	58	41,470
3	52	46,540
4	12	13,200
5	6	7,860
Totals	132	111,330

Asbury Howards:		
Development number: AL125000-004		
Number of Bedrooms Per Type	Total Number of Apartments	Total Net SF for Apt. Type
1	20	22,800
2	26	24,180
3	20	19,100
Totals	66	66,080

In reference to the above description there are NO physical or dwelling unit CHANGES.

- a. No policy changes required regarding eligibility or occupancy, after units have been converted.
- b. RAD conversion will not require policy changes to PHA's Admission and Continued Occupancy Policy (ACOP) and/or Section 8 Administrative Plan.

RAD approved application for Cobb Gardens/Hillside Homes and Thompson Manor dated March 25, 2015:

Cobb Gardens:	
Development number: AL125000-006	
Number of Bedrooms Per Type	Total Number of Apartments
1	0
2	0
3	60
4	0
Totals	60

Hillside Homes:	
Development number: AL125000-006	
Number of Bedrooms Per Type	Total Number of Apartments
1	0
2	20
3	6
4	24
Totals	50

Thompson Manor: Senior Only	
Development number: AL125000-007	
Number of Bedrooms Per Type	Total Number of Apartments
1	52
2	4
Totals	56

RAD Conversion/Development Activity Description
1a. Development name: Davis Heights
1b. Development (project) number: AL125000-004
2. Activity type: RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission: 12/14/2012
5. Number of units affected: 132
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity: a. Actual or projected start date of activity: April 2015 b. Projected end date of activity: December 2016 FHA 22(d) (4) Financing: \$5.2 Million + BHA Operating Reserves + Comp Grant. Final closing/FHA Loan effective March 2017

RAD Conversion/Development Activity Description
1a. Development name: Asbury Howard
1b. Development (project) number: AL125000-004
2. Activity type: RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission: 12/14/2012
5. Number of units affected: 66
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity: a. Actual or projected start date of activity: April 2015 b. Projected end date of activity: December 2016 FHA 22(d) (4) Financing: \$5.2 Million + BHA Operating Reserves + Comp Grant.

RAD Conversion/Development Activity Description
1a. Development name: J.I. Cobb Garden
1b. Development (project) number: AL125000-006
2. Activity type: RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission: March 2015
5. Number of units affected: 110
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity: a. Actual or projected start date of activity: June 2017 b. Projected end date of activity: January 2021 BHA self-financing - RCC and closing anticipated May 2017

RAD Conversion/Development Activity Description
1a. Development name: Thompson Manor
1b. Development (project) number: AL125000-007
2. Activity type: RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission: March 2015
5. Number of units affected: 56 – Senior Only
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity: a. Actual or projected start date of activity: April 2016 b. Projected end date of activity: August 2017 - Completed BHA Project Reserve Funds = \$600,000 +/-

RAD Conversion/Development Activity Description
1a. Development name: Southside Homes
1b. Development (project) number: AL125000-005
2. Activity type: RAD Conversion <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Received CHAP Phase I Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved , submitted, or planned for submission: <u>October 31, 2018</u>
5. Number of units affected: 400
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development <input type="checkbox"/> Section 32
7. Timeline for activity: a. Actual or construction start date of activity: <u>01/2022</u> b. Projected end date of activity: <u>05/2025</u>

Occupancy by Over-Income Families

Significant Amendment to the PHA Plan: Public Housing Income Limit

Section 103 of the Housing Through Modernization Act of 2016 (HOTMA) amends section 16(a) of the United States Housing Act of 1937 (42 U.S.C. 1437n(a) to place an income limitation on public housing tenancy for families. The law requires the PHA to terminate assistance of over-income families.

After a family's income has exceeded 120% of the area median income (AMI) (or a different limitation established by the Secretary) for two consecutive years, the PHA must terminate the family's tenancy within 6 months of the second income determination or charge the family a monthly rent equal to the greater of (1) the applicable Fair Market Rent, or (2) the amount of monthly subsidy for the unit including amounts from the operating and capital fund, as determined by regulations.

Occupancy by Police Officers **N/A**

Non-Smoking Policies

(See attachment al125f01)

Project-based Vouchers

Our agency manages the Jess Lanier Manor high-rise, a non-profit, new construction Section 8 Project-Based Hi-Rise. In addition, will convert up to 20 vouchers to project-based for use in potential elderly non-profit sponsored historic effort in 2017.

Units with Approved Vacancies for Modernization

Comprehensive Modernization of Public Housing Activity Description	
1a. Development name: Cobb/Hillside	
1b. Development (project) number: AL125-007	
2. Coverage of action: Total Development	
A Comprehensive Modernization project is well underway for Cobb/Hillside	
3. Timeline for activity:	
a. Actual or projected start date of activity: Not Determined	
b. Projected end date of activity: Not Determined	

Comprehensive Modernization of Public Housing Activity Description	
1a. Development name: Kate Waller Homes	
1b. Development (project) number: AL125-002	
2. Coverage of action: Total Development	
Appliances have been updated.	
3. Timeline for activity:	
a. Actual or projected start date of activity: December 2020	
b. Projected end date of phase I of activity: April 2021	
No RAD work was completed (Capital Funds)	

Comprehensive Modernization of Public Housing Activity Description	
1a. Development name: Braswell Homes	
1b. Development (project) number: AL125-001	
2. Coverage of action:	Total Development
Renovation work	
3. Timeline for activity:	
a. Actual or projected start date of activity: July 2020	
b. Projected end date of activity: December 2021	

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

Civil Rights Certification: Form HUD-50077, PHA Certifications of Compliance with the PHA and Related Regulation, must be submitted by the PHA as an electronic attachment to the PHA Plan.

Most Recent Fiscal Year Audit

(a) Were there any findings in the most recent FY Audit?

Y N
☒ ☐

If, yes, please describe:

Financial Statements Audit:

Finding 2019-001 – Internal Control of the Accounting Function

Condition and Criteria: Adjusting journal entries had to be made to enable the financial statements to be presented fairly, in all material respects, in conformity with accounting principles generally accepted in the United States of America. The unaudited Financial Data Submission (FDS) required multiple adjustments from the unaudited submission to the audited submission.

Type of Findings: Material Weakness

Cause: *The Housing Authority's internal control structure was not adequate to prevent these deficiencies.*

Effect: *The unaudited FDS was not in conformity with accounting principles generally accepted in the United States of America.*

Questioned Costs: *No determinable at this time.*

Auditor's Recommendation: *We recommend that the Housing Authority strengthen its internal controls to prevent this deficiency in the future.*

Finding 2019-002: Housing Choice Voucher Payments to Landlords

Criteria: *The Code of Federal Regulations and HUD guidelines give the requirements relating to standards for financial management systems. Specifically, 24 CFR Part 85 Section Number 85.20 gives requirements relating to financial reporting, accounting, records, internal control, budget control, allowable costs, source documentation and cash management. A lack of internal controls and source documentation could lead to improper cash transactions and could create opportunities that fraudulent transactions could occur.*

Condition: *During the current fiscal year, the former Accounting Manager inadvertently processed a Housing Assistance Payment (HAP) payment for the landlords in order to correct the 1099s for calendar year 2018. The transactions were meant to be "dummy" transactions, but they were processed as "live" transactions. The total amount of the HAP transaction inadvertently processed was \$316,382.12. The Housing Authority, upon knowledge of these transactions, began the process of recouping the money from the landlords. As of June 30, 2019, the amount owed by landlords for these transactions totaled \$97,737.55. It should be noted that these transactions originated from the COCC General Fund account and not the Housing Choice Vouchers account.*

Type of Finding: *Material Weakness*

Effect: *The Housing Authority paid landlords money that they were not entitled to receive.*

Questioned Costs: *\$97,737.55*

Auditor's Recommendation: We recommend that the Housing Authority strengthen its internal controls to prevent this deficiency in the future.

Progress Report

Provide a description of the PHA's progress in meeting its Mission and Goals described in its most recent 5-Year PHA Plan.

Mission

Executive Summary of the Five-Year PHA Plan and Annual PHA Plan and Mission Statement

The Housing Authority of the City of Bessemer (BHA) manages 702 public housing rental units at seven (7) AMPS and administers 473 Section 8 vouchers and 87 VASH vouchers. In addition, BHA manages one (1) bond financed 120-unit Senior Complex and a new 198 unit RAD Multifamily. The first of the developments was built in 1976 and the last was built in 1998. Because of various changes in federal housing policy, it is imperative that BHA engage new comprehensive strategies to accomplish its mission:

The Mission of the Housing Authority of the City of Bessemer is to increase the supply of, and maintain existing affordable rental housing; to encourage homeownership for low-income households and to promote training, educational opportunities and asset independence in a way that improves the health and community vitality of Bessemer, Alabama

In order to accomplish the mission in an increasingly complicated and volatile market, it is our intention to:

- Pursue varying and flexible partnerships and funding opportunities to develop additional affordable housing both for rental and homeownership
- Increase efforts to broaden the BHA Commissioners policy making ability through information sharing, training and workshops culminating with the creation of an Annual Board/Staff Strategic Planning Workshops
- Develop an enhanced real estate Asset Management model to provide for the direction of capital funds in a rational manner, including the potential submission of the Capital Funds Financing Program (CFFP) application
- Focus and expand the current Family Self Sufficiency program with an emphasis on educational advancement, homeownership training, job training and asset independence

- Develop additional partnerships with other authorities, municipalities, private entities, financial institutions to leverage funding for the benefit of residents and communities
- Explore Section 32 Public Housing Homeownership and other public/private mini neighborhood small ownership opportunities
- Develop a lease/purchase program for the purpose of extending low-income homeownership for residents who otherwise are unable to purchase at present, but will be able to in the next few years in conjunction with the City of Bessemer's Community Development Plans
- Increase awareness of the impact of Green Energy Conservation; develop cost saving measures and public/private partnerships to enhance energy efficient developments
- Initiate at least one (1) new affordable housing development with an emphasis on creating an affordable, mixed-financed housing community at Hillside; apply for Tax Credits from the Alabama Housing Finance Authority and other private financing
- Expand efforts of the Bessemer Housing & Development Corporation, a BHA non-profit instrumentality formed in 2009 to impact neighborhood revitalization throughout the City of Bessemer
- Strengthen program operations and fiscal management with the goal being High Performer designation in public housing and continue to expand all aspects of Voucher Management included in the 2009 High Performance Rating.

Overall, the Housing Authority of the City of Bessemer will develop a comprehensive, detailed, and ambitious plan for the coming year through teamwork. Through teamwork, the plans can be achieved. We are hopeful that many of the items will be set into motion, for the betterment of the Authority and the residents which it serves. Additional focus and attention will be on customer service and producing measurable improvement standards.

Goals/Objectives

PHA GOAL #1: EXPAND THE SUPPLY OF ASSISTED HOUSING

The PHA established the following objectives to strive in meeting goal #1:

- Reduce public housing vacancies
- Leverage private or other public funds to create additional housing opportunities
- Acquire or build units or developments

Progress Statement: *Ongoing*

PHA GOAL #2: INCREASE ASSISTED HOUSING CHOICES

The PHA established the following objectives to strive in meeting goal #2

- Conduct outreach efforts to potential voucher landlords
- Implement voucher homeownership program
- Implement public housing or other homeownership programs

Progress Statement: *Ongoing*

PHA GOAL #3: PROVIDE AN IMPROVED LIVING ENVIRONMENT

The PHA established the following objectives to strive in meeting goal #3

- Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments
- Implement public housing security improvements with both cameras and increased Police presence

Progress Statement: *Ongoing*

**PHA GOAL #4: PROMOTE SELF-SUFFICIENCY AND ASSET DEVELOPMENT
OF ASSISTED HOUSEHOLDS**

The PHA established the following objectives to strive in meeting goal #4

- Increase the number and percentage of employed persons in assisted families
- Provide or attract supportive services to improve assistance recipients' employability
- Provide through partnerships additional training to assisted families

Progress Statement: *Ongoing*

**PHA GOAL #5: ENSURE EQUAL OPPORTUNITY AND AFFIRMATIVELY
FURTHER FAIR HOUSING**

The PHA established the following objectives to strive in meeting goal #5

- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, sexual orientation, familial status, and disability

- Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status and disability

Progress Statement: *Ongoing*

PHA GOAL #6: UPDATE MG INFO SYSTEM (MIS)

The PHA established the following objectives to strive in meeting goal #6

- Through the use of new software, develop interactive systems to promote more efficient operations
- Develop a landlord portal to self-certify
- Develop online payment system for residents

Progress Statement: *Ongoing*

PHA GOAL #7: INCREASE MARKETING EFFORTS

The PHA established the following objectives to strive in meeting goal #7

- BHA shall undertake affirmative measures for families and individuals to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability.

Progress Statement: *Ongoing*

Resident Advisory Board (RAB) Comments

Did the RAB(s) provide comments to the PHA Plan?

Y N
☐ ☐

Please provide comments received and the PHA's response to each comment (*see attachment al125a01*).

Certification by State or Local Officials – Form HUD 50077-SL

Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.

Troubled PHA

Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place?

Y N
☐ ☒

If yes, please describe: *N/A*

Statement of Capital Improvements. Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).

- 1) Capital Improvements. Include a reference here to the most recent HUD approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD.

See HUD Form 50075.2 approved by HUD on __/__/__

Challenged Elements –

Attachment: al125c01

Housing Authority of the City of Bessemer

**Violence Against Women Reauthorization Act
(VAWA) Policy and Emergency Transfer Plan**

**BESSEMER HOUSING AUTHORITY
Bessemer, Alabama**

**VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT
(VAWA) OF 2013 POLICY**

Adopted by PHA Board of Commissioners

Resolution No.: _____

Date of Adoption: _____

Effective Date of Implementation: _____

Authorized Use by Bessemer Housing Authority

Table of Contents

INTRODUCTION.....	3
OBJECTIVES.....	3
APPLICABILITY	4
VAWA POLICY PROVISIONS	5
A. VAWA Protections	5
B. Notification of Occupancy Rights and Certification Form Requirements.....	6
C. Denial of Admission, Termination of Assistance or Eviction	7
D. Confidentiality	7
E. Certification of Claim of a VAWA Crime	8
F. Family Break-Ups and VAWA.....	9
G. Limitations of VAWA Protections.....	9
H. Removal of Perpetrator (Lease Bifurcation).....	10
I. Reasonable Time to Establish Eligibility for Assistance or Find Alternative Housing Following Bifurcation of Lease	11
J. Emergency Transfer Plan (ETP).....	11
K. PHA Relationships with Service Providers.....	13
L. PHA's Safety and Crime Prevention Measures.....	13
M. Relationship with Other Applicable Laws.....	13
N. Changes in Laws and Regulations	13
DEFINITIONS	14

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT 2013 (VAWA) POLICY

INTRODUCTION

The Violence Against Women Reauthorization Act of 2013 (VAWA) protects applicants, residents, participants and affiliated individuals who are victims of domestic violence, dating violence, sexual assault, and stalking (collectively VAWA crimes) from being denied housing assistance, evicted or terminated from housing assistance based on acts of such violence.

VAWA expands remedies for victims of VAWA crimes by requiring housing agencies (HAs) to have an emergency transfer plan and permit for bifurcation of a lease. This will allow reasonable time for tenants to establish eligibility for assistance under a VAWA-covered program or to find new housing when an assisted household must be divided as a result of the violence or abuse covered by VAWA.

This Policy is required by the Violence Against Women Reauthorization Act of 2013 and contains all the mandatory protections and remedies afforded to applicants, residents, participants, and affiliated individuals who are victims of domestic violence, dating violence, sexual assault, and stalking.

For the purposes of the Violence Against Women Reauthorization Act 2013 Policy, the term "tenant" shall refer to an assisted family and the members of the household on their lease, but does not include guests or unreported members of a household. In addition, a live-in aide or caregiver is not a tenant, unless otherwise provided by program regulations, and cannot invoke VAWA protections.

OBJECTIVES

The Bessemer Housing Authority (hereinafter referred to as PHA), in an effort to maintain a safe environment for applicants, tenants, PHA employees, PHA contractors, and others who may be affected by a VAWA crime, shall establish policies and procedures to implement the provisions of the Violence Against Women Reauthorization Act of 2013 in compliance with Fair Housing Act and Equal Opportunities (FHEO), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), HUD regulations/notices, the PHA Plan, the Admission to and Occupancy of Public Housing (ACOP), the Section 8 HCVP Administrative Plan, and State and local housing laws.

The PHA will maintain compliance with all applicable requirements of VAWA and assist in reducing domestic violence, dating violence, sexual assault, stalking, and homelessness by:

- Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault, or stalking;
- Creating and maintaining collaborative partnerships between the PHA, victim service providers, law enforcement authorities, and other supportive groups to promote the safety and well-being of victims of domestic violence, dating violence,

- sexual assault, or stalking (whether actual or imminent threat) who are assisted by the PHA;
- Protecting the physical safety of victims of domestic violence, dating violence, sexual assault, or stalking (whether actual or imminent threat) who are assisted by the PHA;
- Responding appropriately to incidents of domestic violence, dating violence, sexual assault, or stalking, affecting families or individuals assisted by the PHA.

APPLICABILITY

The VAWA Policy shall be applicable to the following HUD programs (hereinafter referred to as covered housing programs):

- Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
- Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.
- Housing Opportunities for Persons with AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.
- HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.
- Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).
- Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.
- Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.
- HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).
- The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).

The regulations the 24 Code of Federal Regulations (CFR) Part 5, subpart L, are supplemented by the specific regulations for the HUD-covered housing programs. The program-specific regulations address how certain VAWA requirements are to be implemented and whether they can be implemented for the applicable covered housing program, given the statutory and regulatory framework for the program. When there is conflict between the regulations of 24 CFR Part 5, subpart L and the program-specific regulations, the program-specific regulations govern.

Where assistance is provided under more than one covered housing program and there is a conflict between VAWA protections or remedies under those programs, the individual seeking the VAWA protections or remedies may choose to use the protections or remedies under any or all of those programs, as long as the protections or remedies would be feasible and permissible under each of the program statutes.

VAWA POLICY PROVISIONS

A. VAWA Protections

Only tenants who are assisted by the PHA can invoke the VAWA protections that apply solely to tenants. However, an individual is entitled to VAWA protections if the individual is an applicant for PHA housing assistance.

Nondiscrimination and Equal Opportunity Requirements: VAWA protections are not limited to women but apply to all victims of domestic violence, dating violence, sexual assault and stalking regardless of sex, gender identity, or sexual orientation.

Consistent with the nondiscrimination and equal opportunities requirements, victims cannot be discriminated against on the basis of any protected class, including race, color, national origin, religion, sex, familial status, disability, or age.

Consistent with HUD's Equal Access Rule, HUD-assisted and HUD-insured housing are to be made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

VAWA protections also apply when the victim and perpetrator are of the same sex. VAWA protections are provided to victims regardless of citizenship or immigration eligibility.

Self-Petitioners: Section 214 of the Housing and Community Development Act of 1980 states that HUD may not allow financial assistance to ineligible non-citizens, but assistance must not be denied while verifying immigration status.

VAWA also provides protections for "self-petitioners" who are noncitizens and claim to be victims of "battery or extreme cruelty" by their spouse or parent who is a U.S. citizen or lawful permanent resident (LPR). VAWA covers the following types of battery or extreme cruelty: domestic violence, dating violence, sexual assault, and stalking.

Self-petitioners can indicate that they are in "satisfactory immigration status" when applying for assistance or continued assistance from a Section 214 covered housing provider. "Satisfactory immigration status" means an immigration status which does not make the individual ineligible for financial assistance. After the PHA verifies the

immigration status in the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) System, the PHA will make a final determination as to the self-petitioner's eligibility.

Housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of the LPR status is made.

If the final determination is to deny the VAWA self-petitioner or the LPR petition, the PHA will alert the petitioner and take actions to terminate the voucher assistance or evict the petitioner from public housing in accordance with existing PHA public housing requirements.

Live-In Aides: Live-in aides are entitled to VAWA protections if the live-in aid is an applicant for PHA housing assistance. Live-in aides could be an affiliated individual of a tenant and if the live-in aide as an affiliated individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The tenant with whom the affiliated individual is associated cannot be evicted or have assistance terminated on the basis that the affiliated individual was a victim of a VAWA crime.

B. Notification of Occupancy Rights and Certification Form Requirements

The Notice of Occupancy Rights Under the Violence Against Women Act (Form HUD-5380) explains the VAWA protections including, the rights to confidentiality and any VAWA protection limitations to applicants, tenants, and affiliated individuals.

The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation (Form HUD-5382) is to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault, or stalking that:

- States that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;
- States that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection meets the applicable definition for such incident; and
- Includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide.

The PHA will provide each applicant and tenant the Notice of Occupancy Rights and the Certification Form at each of the following times:

- At the time the applicant is denied assistance or admission;
- At the time the individual is provided assistance or admission;
- With any notification of eviction or notification of termination of assistance; and
- During the 12-month period following December 16, 2016, either during the annual recertification or lease renewal process, whichever is applicable, or, if there will be no recertification or lease renewal for a tenant during the first year

after December 16, 2016, through other means, including but not limited to assisted housing briefing materials, PHA notices/newsletters, and/or websites.

In accordance with Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), the PHA shall make available The Notice of Occupancy Rights and the Certification Form in multiple languages.

The PHA will include a description of the VAWA protections afforded to victims of VAWA crimes in HUD-required leases, lease addendums, or tenancy addendums as applicable.

C. Denial of Admission, Termination of Assistance or Eviction

The PHA will not deny admission to, deny assistance under, terminate from participating in, or evict from housing on the basis or as direct result of the fact that an 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 admission, assistance, participation, or occupancy.

Criminal Activity: The PHA will not deny tenancy or occupancy rights to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:

- The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant; and
- 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.

Incidents of Actual or Threatened VAWA Crimes: The PHA will not consider an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking as:

- A serious or repeated violation of a lease executed by the victim or threatened victim of such incident; or
- Good cause for terminating the assistance, tenancy, or occupancy rights of the victim or threatened victim of such incident.

The PHA will deny admission or assistance to any member of the applicant household who is a perpetrator of domestic violence, dating violence, sexual assault, or stalking.

In adopting local standards, supportive of or in addition to the mandated reasons for denial of admission, the PHA will deny admission or assistance to an individual in the applicant family whose screening process provides relevant information reflecting a history of crimes involving domestic violence, dating violence, sexual assault, stalking, or other crimes of physical violence to persons or property.

D. Confidentiality

The PHA will retain in the strictest confidence all information pursuant to VAWA including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking.

The PHA will not allow any individual administering assistance on behalf of the PHA, in the employ of the PHA, or any persons contracted by the PHA to have access to confidential information unless it is explicitly necessary for these individuals to have access to the information under applicable Federal, State, or local law.

The PHA will not enter the VAWA confidential information into any shared database or disclose the information to any other entity or individual, except to the extent that the disclosure is:

- Requested or consented to in writing by the individual in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- Otherwise required by applicable law.

E. Certification of Claim of a VAWA Crime

If an applicant or tenant claims to be a victim of domestic violence, dating violence, sexual assault, or stalking and is entitled to the VAWA protections or remedies, the PHA may request, in writing, that the applicant or tenant submit any one of the following as documentation of domestic violence, dating violence, sexual assault, or stalking. It is at the discretion of the applicant or tenant as to which one of the following forms of documentation to submit:

- The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation (Form HUD-5382); or
- A document:
 - Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or mental health professional (collectively "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
 - Signed by the applicant or tenant; and
 - That specifies, under penalty of perjury, that the professional believes in the occurrence of an incident of domestic violence, dating violence, sexual assault, or stalking that is the grounds for protection and remedies and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking; or
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- At the discretion of the PHA, a statement or other evidence provided by the applicant or tenant.

If the PHA does not receive the documentation requested within 14 business days after the applicant or tenant received the request in writing for the documentation from the PHA, the PHA may

- Deny admission by the applicant or tenant;
- Deny assistance to the applicant or tenant;

- Terminate the participation of the tenant; or
- Evict the tenant or a lawful occupant that commits a violation of a lease.

The PHA at its discretion may extend the 14-business-day deadline.

If the PHA receives documentation that contains conflicting information (including certification forms from two or more members of a household with each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the PHA may require the applicant or tenant to submit third-party documentation within 30 calendar days of the date of the request for the third-party documentation.

Note: The PHA is not required to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

F. Family Break-Ups and VAWA

The PHA will determine which family members continue to receive assistance if the family breaks up. If the family breaks up as a result of an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA will ensure that the victim retains the assistance.

Other policies regarding family break-up are contained in the PHA's public housing Admissions and Continued Occupancy Policy (ACOP) and the Section 8 HCV Administrative Plan.

G. Limitations of VAWA Protections

The tenant may invoke VAWA protections on more than one occasion and the PHA will not subject additional conditions that would adversely affect the tenant's tenancy because they have invoked VAWA protections. There are no limitations on the number of occasions a victim can invoke VAWA protections.

The PHA will comply with a court order in respect to:

- The rights of access or control of property, including cooperating with law enforcement to enforce civil protection orders issued to protect the victim of domestic violence, dating violence, sexual assault, or stalking; or
- The distribution or possession of property among members of the household.

The PHA may evict or terminate assistance to 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. The PHA will not subject the tenant who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other tenants when determining whether to evict or terminate assistance.

The PHA may terminate assistance or evict a tenant if the PHA can demonstrate an actual and imminent threat to other tenants, PHA employees, or those employed at or providing services to the PHA would be present if that tenant or lawful occupant is not terminated from assistance or evicted. An 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. Words, gestures, actions or other indicators can be considered an actual and imminent threat. In determining whether an individual would pose an actual and imminent threat, the PHA will consider the following factors:

- 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 will occur.

The PHA will utilize termination of assistance or eviction only when there are no other actions the PHA can employ to reduce or eliminate the threat, including but not limited to transferring the victim to a different unit, barring the perpetrator from the property, and contacting law enforcement in order to keep the property safe to prevent the perpetrator from acting on a threat.

The PHA will terminate tenancy or assistance, or refuse to renew a lease or assistance, to any household member who is the perpetrator of domestic violence, dating violence, sexual assault, stalking, or who engages in criminal acts of physical violence against family members or others.

H. Removal of Perpetrator (Lease Bifurcation)

Notwithstanding any restrictions on admission, occupancy, or terminations of occupancy or assistance, or Federal, State, or local law to the contrary, the PHA may bifurcate a lease, or remove a household member from a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to such a member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual.

The PHA may bifurcate a lease without regard to whether a household member is a signatory to the lease and without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

The PHA's dwelling lease shall contain provisions for eviction, removal, termination of occupancy rights, or termination of assistance in accordance with the procedures prescribed by Federal, State and local law applicable to terminations of tenancy and evictions. The Tenancy Addendum (Form HUD-52641-A) shall be attached to all leases for dwelling units occupied by PHA-assisted families in the HCV program.

The PHA retains all rights to add the name of the perpetrator to its "Banned and Criminal Trespass" list that is provided to the local law enforcement.

I. Reasonable Time to Establish Eligibility for Assistance or Find Alternative Housing Following Bifurcation of Lease

If the PHA exercises the option to bifurcate the lease and the individual who was evicted or for whom the assistance was terminated was the eligible tenant, the PHA shall provide to any remaining tenant or tenants that were not already eligible a period of 90 calendar days from the date of bifurcation of the lease to:

- Establish eligible immigration status; or
- Establish eligibility under another housing program; or
- Find alternative housing.

The 90-calendar-day period is the total period provided to the remaining tenants to establish eligible immigration status. The 90-calendar-day period will not be available to a remaining household member if prohibited by statutory requirements. The 90-day-calendar period will not apply beyond the expiration of the lease unless permitted by program regulation.

The PHA may extend the 90-calendar-day period up to an additional 60 calendar days unless the PHA is prohibited from doing so due to regulations or unless the time period would extend beyond the expiration of the lease.

J. Emergency Transfer Plan (ETP)

The PHA's Emergency Transfer Plan addresses situations that involve significant risk to tenants who are, have been, or reasonably believe they will be victims of domestic violence, dating violence, sexual assault, or stalking. The PHA may approve an emergency transfer for tenants, regardless of sex, gender identity or sexual orientation, to move from their current unit to a "safe unit." A safe unit is a unit the victim of domestic violence, dating violence, sexual assault, or stalking believes to be safe.

The ability of the PHA to honor the request for an emergency transfer depends upon a preliminary determination that:

- The tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking; and
- Whether the PHA has another unit that is available and is safe to offer the tenant for temporary or permanent occupancy.

The Emergency Transfer Plan provides that a tenant receiving rental assistance through or residing in a unit subsidized under the PHA who is a victim of domestic violence, dating violence, sexual assault, or stalking will qualify for an emergency transfer if:

- The tenant expressly requests the transfer (Form HUD-5383, Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking); and
- The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or

- In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

The tenant who is a victim of sexual assault may make an imminent harm request regardless of when or where the sexual assault occurred, and the PHA may permit more than 90 calendar days from the date of the sexual assault.

The PHA cannot guarantee that the emergency transfer request will be approved or how long it will take to process the request for an emergency transfer. The PHA will 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 the unit. If the tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit.

The tenant may qualify for either an internal emergency transfer or external transfer.

- An internal emergency transfer is the relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
- An external emergency transfer is the relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.

The tenant may seek an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.

If a safe unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The PHA will not transfer the tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the PHA does not have a safe and available unit for a tenant requesting an emergency transfer, the PHA will assist the tenant in identifying other housing providers who may have a safe and available unit to which the tenant could move. At the tenant's request, the PHA will assist the tenant in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

VAWA strict confidentiality measures are included in the Emergency Transfer Plan so as not to disclose the location of the new unit to the abuser.

The PHA will make the Emergency Transfer Plan available upon request and, when feasible, make the Plan publicly available.

The PHA will keep a record of all emergency transfers requested under its Emergency Transfer Plan and the outcome of the requests. The PHA shall retain these records for a period of three (3) years or for a period of time as specified by program regulations. The PHA must report the requests and outcomes to HUD annually. The PHA will provide reasonable accommodation for individuals with disabilities.

An emergency transfer request must not be construed to supersede any PHA eligibility or other occupancy requirements.

K. PHA Relationships with Service Providers

The PHA will seek and establish partnerships with private, governmental, and victim advocacy organizations which provide counseling, shelter, and/or services to victims of domestic violence, dating violence, sexual assault, or stalking.

In its efforts to maintain a safe environment for its tenants, the PHA will become familiar with other housing providers that provide both private market units or other government-assisted units, not solely HUD-assisted units, that can be used to assist victims of domestic violence, dating violence, sexual assault, or stalking to move quickly.

L. PHA's Safety and Crime Prevention Measures

The PHA will include in its 5-Year Plan a statement of the goals, activities, objectives, policies, or programs that will enable the PHA to serve the needs of victims of domestic violence, dating violence, sexual assault, or stalking.

The PHA will include in its Annual Plan a statement of any domestic violence, dating violence, sexual assault, and stalking prevention programs and descriptions of any activities, services, or programs provided or offered by the PHA, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking that:

- Help victims of domestic violence, dating violence, sexual assault, or stalking obtain or maintain housing;
- Prevent domestic violence, dating violence, sexual assault, or stalking; or
- Enhance victim safety in assisted housing.

M. Relationship with Other Applicable Laws

Neither the Violence Against Women Reauthorization Act of 2013 (VAWA) nor the VAWA Policy adopted by the PHA shall preempt or supersede any provision of Federal, State, or local law that provides greater protections than that provided under VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.

N. Changes in Laws and Regulations

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Policy, automatically supersede this Policy.

The PHA will revise this Policy periodically as approved by the PHA Board of Commissioners.

DEFINITIONS

1937 Act

The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

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

- 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
- Any individual, tenant, or lawful occupant living in the household of that individual.

Applicant

A person or a family that has applied for housing assistance.

Available Unit

A unit that is not occupied and is available to tenants per program requirements, eligibility, unit restrictions, and term limitations.

Covered Housing Provider

Refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

Bifurcate

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.

Covered Housing Programs

- Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
- Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.

- Housing Opportunities for Persons With AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.
- HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.
- Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).
- Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.
- Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.
- HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).
- The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).

Dating Violence

- 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; and
 - 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.

External Emergency Transfer

An emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit.

Fair Housing Act

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

Family

Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

A group of persons residing together, and such group includes, but is not limited to:

- A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family; and
- The remaining member of a tenant family.

Gender Identity

The gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender-related characteristics, or sex assigned to the individual at birth or identified in documents.

Guest

A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Household

The family and PHA-approved live-in aide and/or foster children/adults.

HUD

The Department of Housing and Urban Development

Internal Emergency Transfer

An emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.

Live-In Aide

A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

Other Person under the Tenant's Control

The person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

Premises

The building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Public Housing

Housing assisted under the 1937 Act, other than under Section 8. "Public housing" includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating assistance.

Public Housing Agency (PHA)

Any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Perpetrator

Perpetrator means a person who commits an act of domestic violence, dating violence, sexual assault, or stalking against a victim.

Reasonable Belief of Imminent Harm

It does not matter when the initial act occurred if the current belief of the victim of a threat of imminent harm is reasonable.

Responsible Entity

For the public housing program and the Section 8 HCV (tenant-based assistance) program, responsible entity means the PHA administering the program under an Annual Contributions Contract with HUD.

Safe Unit

A unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

Satisfactory Immigration Status

An immigration status which does not make the individual ineligible for financial assistance.

Sexual Assault

Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's individual safety or the safety of others; or
- Suffer substantial emotional distress.

Sexual Orientation

One's emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality).

Tenant

An assisted family and the members of the household on their lease, but does not include guests or unreported members of a household. A live-in aide or caregiver is not a tenant, unless otherwise provided by program regulations, and cannot invoke VAWA protections.

VAWA

The Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

VAWA Crimes

Domestic violence, dating violence, sexual assault, or stalking.

NOTICE

The Nelrod Company has made its best efforts to comply with regulations, laws, and Federal/local policies. The Nelrod Company does not offer advice on legal matters or render legal opinions. We recommend that the Housing Authority's general counsel and/or attorney review this policy prior to approval by the Board of Commissioners.

The Nelrod Company is not responsible for any changes made to these policies by any party other than The Nelrod Company.

**BESSEMER HOUSING AUTHORITY
Bessemer, Alabama**

**EMERGENCY TRANSFER PLAN
FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

Adopted by PHA Board of Commissioners

Resolution No.: _____

Date of Adoption: _____

Effective Date of Implementation: _____

Authorized Use by Bessemer Housing Authority

Table of Contents

EMERGENCY TRANSFERS	3
ELGIBILITY FOR EMERGENCY TRANSFER.....	3
EMERGENCY TRANSFER REQUEST DOCUMENTATION.....	4
CONFIDENTIALITY	4
EMERGENCY TRANSFER TIMING AND AVAILABILITY	5
SAFETY AND SECURITY OF TENANTS	8
ATTACHMENT	8
CHANGES IN LAWS AND REGULATIONS.....	8
DEFINITIONS	9

BESSEMER HOUSING AUTHORITY EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

EMERGENCY TRANSFERS

The Bessemer Housing Authority (hereinafter referred as PHA) is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Reauthorization Act of 2013 (VAWA), the PHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit.

For the purposes of the Violence Against Women Reauthorization Act of 2013, the term "tenant" shall refer to an assisted family and the members of the household on their lease, but does not include guests or unreported members of a household.

The ability to request a transfer is available regardless of race, color, national origin, religion, familial status, marital status, disability, age, sex, actual or perceived sexual orientation, or gender identity.

The ability of the PHA to honor such requests 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 upon whether the PHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This Plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This Plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD).

ELIGIBILITY FOR EMERGENCY TRANSFER

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:

1. The tenant expressly requests the emergency transfer (Form HUD-5383, Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking); and
2. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or
3. 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.

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

EMERGENCY TRANSFER REQUEST DOCUMENTATION

To request an emergency transfer, the tenant shall notify the PHA's management office and submit a written request (Form HUD-5383, Emergency Transfer Request) for a transfer to a safe location.

The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the PHA's program; or
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

The PHA will request, in writing, that the tenant submit any one of the following as documentation of domestic violence, dating violence, sexual assault, or stalking. It is at the discretion of the tenant as to which one of the following forms of documentation to submit.:

- The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation (Form HUD-5382); or
- A document:
 - Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or mental health professional (collectively "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
 - Signed by the tenant; and
 - That specifies, under penalty of perjury, that the professional believes in the occurrence of an incident of domestic violence, dating violence, sexual assault, or stalking that is the grounds for protection and remedies and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking; or
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- At the discretion of the PHA a statement or other evidence provided by the tenant.

The PHA will provide reasonable accommodations to this Plan for individuals with disabilities.

CONFIDENTIALITY

The PHA 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, unless the victim gives the PHA written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from public housing or the Housing Choice Voucher program.

The PHA will not allow any individual administering assistance on behalf of the PHA, in the employ of the PHA, or any person contracted by the PHA to have access to confidential information unless it is explicitly necessary for these individuals to have access to the information under applicable Federal, State, or local law.

The PHA will not enter the VAWA confidential information into any shared database or disclose the information to any other entity or individual except to the extent that the disclosure is:

- Requested or consented to in writing by the individual in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- Otherwise required by applicable law.

This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.

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

EMERGENCY TRANSFER TIMING AND AVAILABILITY

The PHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, the PHA will 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 safe unit is a unit the victim of domestic violence, dating violence, sexual assault, or stalking believes to be safe. The PHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

The tenant may qualify for either an internal emergency transfer or external emergency transfer.

- Internal Emergency Transfer: Is the relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
 - The PHA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
 - The PHA will take the following actions to assist a tenant in making an internal emergency transfer under VAWA when a safe unit is not immediately available:
 - Public Housing to Tenant-Based: If the victim is receiving low rent public housing assistance, and is eligible for tenant-based rental assistance, the tenant will be given priority to receive tenant-based rental assistance over individuals on the tenant-based rental assistance waiting list.
 - Public Housing to Project-Based Voucher: If the victim is receiving low rent public housing assistance, and is eligible for project-based voucher rental assistance, the tenant will be given priority to receive project-based voucher rental assistance over individuals on the project-based voucher rental assistance waiting list.

- **Tenant-Based to Public Housing:** If the victim is receiving tenant-based rental assistance, and is eligible for low rent public housing assistance, the tenant will be given priority to receive low rent public housing assistance over individuals on the low rent public housing assistance waiting list and over current public housing tenants seeking non-emergency transfers.
- **Tenant-Based to Project-Based Voucher:** If the victim is receiving tenant-based rental assistance, and is eligible for project-based voucher assistance, the tenant will be given priority to receive project-based voucher assistance over individuals on the project-based voucher assistance waiting list.
- **Section 8/HCV:** If the victim is receiving Section 8/HCV tenant-based rental assistance, the PHA will not deny the tenant's portability option to move to a safe unit located in another PHA's jurisdiction. The tenant may utilize his/her portability option as long as the tenant is in compliance with all other requirements under the tenant-based rental assistance program and has moved to the new jurisdiction to protect the health or safety of the tenant or tenant family members who has been a victim of domestic violence, dating violence, sexual assault, or stalking, and the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains in the same unit that the tenant is currently occupying.
- **Project-Based Voucher:** If the victim is receiving project-based voucher rental assistance, the PHA will not terminate assistance if the tenant, with or without prior notification to the PHA, moves out of a unit in violation of the lease, if the move occurs to protect the health or safety of the tenant or tenant family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains in the same unit that the tenant is occupying. The PHA will offer the tenant the opportunity for tenant-based rental assistance, if available, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance. The PHA may also offer the tenant low rent public housing assistance if the tenant is eligible and there is a unit available.
- **External Emergency Transfer:** Is the relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit.
 - The PHA will take the following actions to assist a tenant in making an external emergency transfer under VAWA when a safe unit is not immediately available:
 - If the victim is receiving low rent public housing assistance, the PHA will enter into a Memoranda of Understanding (MOU) with another PHA to give priority to the eligible tenant to receive low rent public housing assistance over individuals on the other PHA's waiting list for low rent public housing assistance or over current public housing tenants seeking non-emergency transfers.
 - The PHA will seek and establish partnerships with private, governmental, and victim advocacy organizations which provide counseling, shelter, and/or services to victims of domestic violence, dating violence, sexual assault, or stalking.

- The PHA will become familiar with other housing providers that provide both private market units or other government-assisted units, not solely HUD-assisted units, that can be used to assist victims of domestic violence, dating violence, sexual assault, or stalking to move quickly under a VAWA emergency transfer.
- The tenant may seek an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.

The PHA will give the highest priority to tenants requesting an emergency transfer under VAWA over the following categories of tenants seeking transfers due to:

- Emergency: Conditions in the tenant's unit, building, or at the site pose an immediate, verifiable threat to the life, health, or safety of the tenant or family members. Examples of such unit or building conditions include: a gas leak, no heat in the building during the winter, no water, toxic contamination, and serious water leaks.
- Reasonable Accommodation: These transfers are made when a tenant needs to move to a different unit as an accommodation to a tenant's disability. This kind of transfer may be requested for a variety of reasons, including but not limited to: the tenant needs to be moved to a ground floor unit because his/her disability prevents him/her from climbing stairs; the tenant needs a unit with certain physical features that cannot be provided in their current unit without undue financial and administrative burden to the PHA.
- Demolition, Disposition, Revitalization or Rehabilitation: These transfers permit the PHA to demolish, sell, or do major revitalization or rehabilitation work at a building or site.
- Occupancy Standards: These transfers are made when the tenant's family size has changed and it is now too large or too small for the unit occupied. The PHA is required to make this transfer.
- Tenant-initiated: A tenant requests a unit transfer that is not out of necessity. The PHA may establish a policy to exclude such transfers from its policy.
- Incentive: These transfers to new or rehabilitated units can be made for tenants with excellent residency histories. These transfers are not required.

If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a safe 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.

If the PHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, the PHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.

At the tenant's request, the PHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this Plan.

If a tenant moved from the assisted unit during the lease term due to domestic violence, dating violence, sexual assault, or stalking, the tenant shall remain liable for the tenant rent until the PHA takes possession of the unit.

The PHA will not terminate the tenant's housing assistance if the tenant turns down a unit in which he/she believe to be unsafe. The PHA will not deny the tenant an emergency transfer if the perpetrator learned of the new unit location or another VAWA incident occurs.

SAFETY AND SECURITY OF TENANTS

During processing of the emergency transfer request and the actual transfer 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 & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE (4673), 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.

CHANGES IN LAWS AND REGULATIONS

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Plan, automatically supersede this Plan.

The PHA will revise this Plan periodically as approved by the PHA Board of Commissioners

DEFINITIONS

1937 Act

The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

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

- 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
- Any individual, tenant, or lawful occupant living in the household of that individual.

Applicant

A person or a family that has applied for housing assistance.

Available Unit

A unit that is not occupied and is available to tenants per program requirements, eligibility, unit restrictions, and term limitations.

Covered Housing Provider

Refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

Bifurcate

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.

Covered Housing Programs

- Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
- Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.

- Housing Opportunities for Persons with AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.
- HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.
- Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).
- Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.
- Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.
- HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).
- The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).

Dating Violence

- 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; and
 - 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.

External Emergency Transfer

An emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit.

Fair Housing Act

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

Family

Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

A group of persons residing together, and such group includes, but is not limited to:

- A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family; and
- The remaining member of a tenant family.

Gender Identity

The gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender-related characteristics, or sex assigned to the individual at birth or identified in documents.

Guest

A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Household

The family and PHA-approved live-in aide and/or foster children/adults.

HUD

The Department of Housing and Urban Development

Internal Emergency Transfer

An emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.

Live-In Aide

A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

Other Person under the Tenant's Control

The person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

Premises

The building, complex, or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Public Housing

Housing assisted under the 1937 Act, other than under Section 8. "Public housing" includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating assistance.

Public Housing Agency (PHA)

Any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Perpetrator

Perpetrator means a person who commits an act of domestic violence, dating violence, sexual assault, or stalking against a victim.

Reasonable Belief of Imminent Harm

It does not matter when the initial act occurred if the current belief of the victim of a threat of imminent harm is reasonable.

Responsible Entity

For the public housing program and the Section 8 HCV (tenant-based assistance) program, responsible entity means the PHA administering the program under an Annual Contributions Contract with HUD.

Safe Unit

A unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

Satisfactory Immigration Status

An immigration status which does not make the individual ineligible for financial assistance.

Sexual Assault

Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's individual safety or the safety of others; or
- Suffer substantial emotional distress.

Sexual Orientation

One's emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality).

Tenant

An assisted family and the members of the household on their lease, but does not include guests or unreported members of a household. A live-in aide or caregiver is not a tenant, unless otherwise provided by program regulations, and cannot invoke VAWA protections.

VAWA

The Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

VAWA Crimes

Domestic violence, dating violence, sexual assault, or stalking.

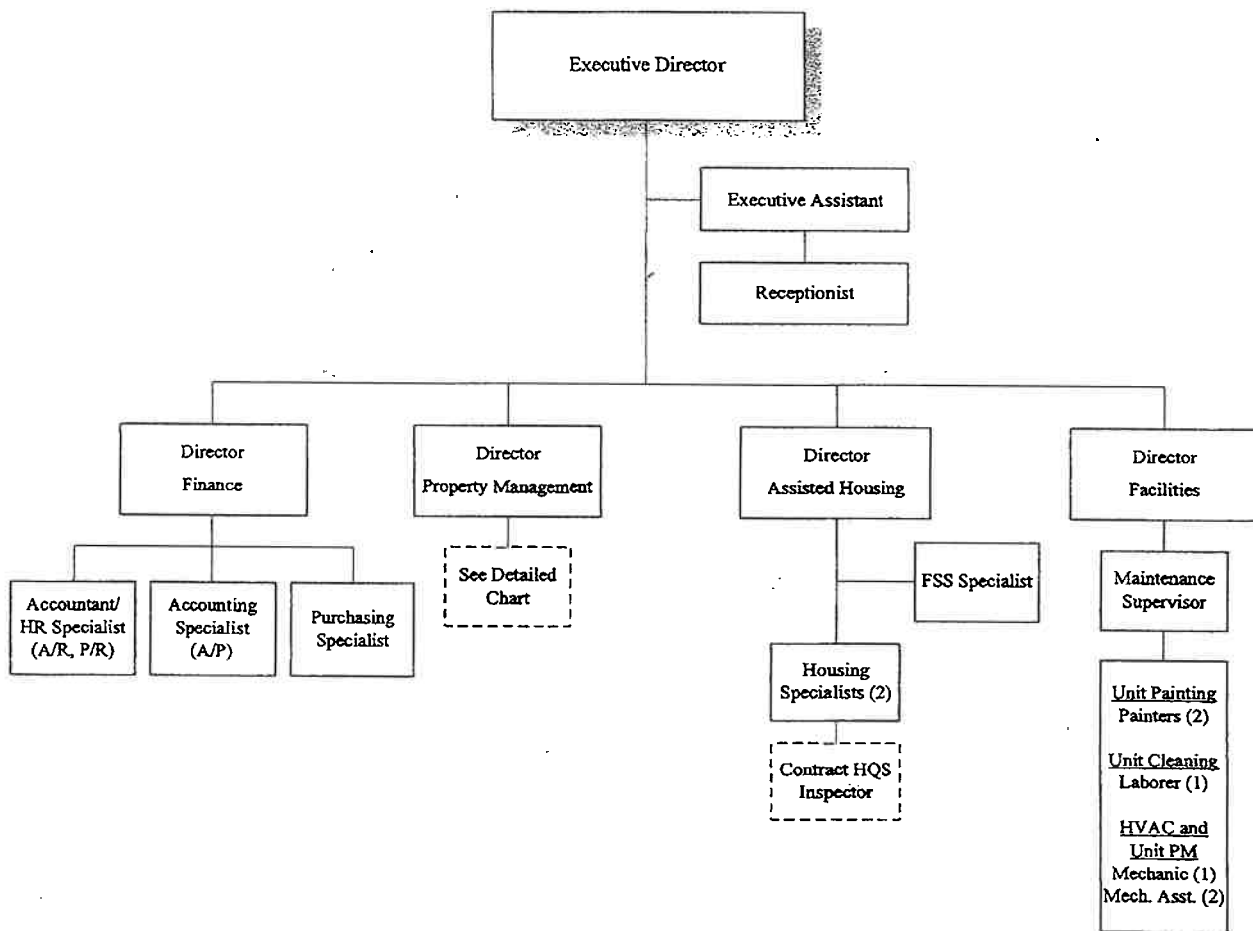
NOTICE

The Nelrod Company has made its best efforts to comply with regulations, laws, and Federal/local policies. The Nelrod Company does not offer advice on legal matters or render legal opinions. We recommend that the Housing Authority's general counsel and/or attorney review this policy prior to approval by the Board of Commissioners.

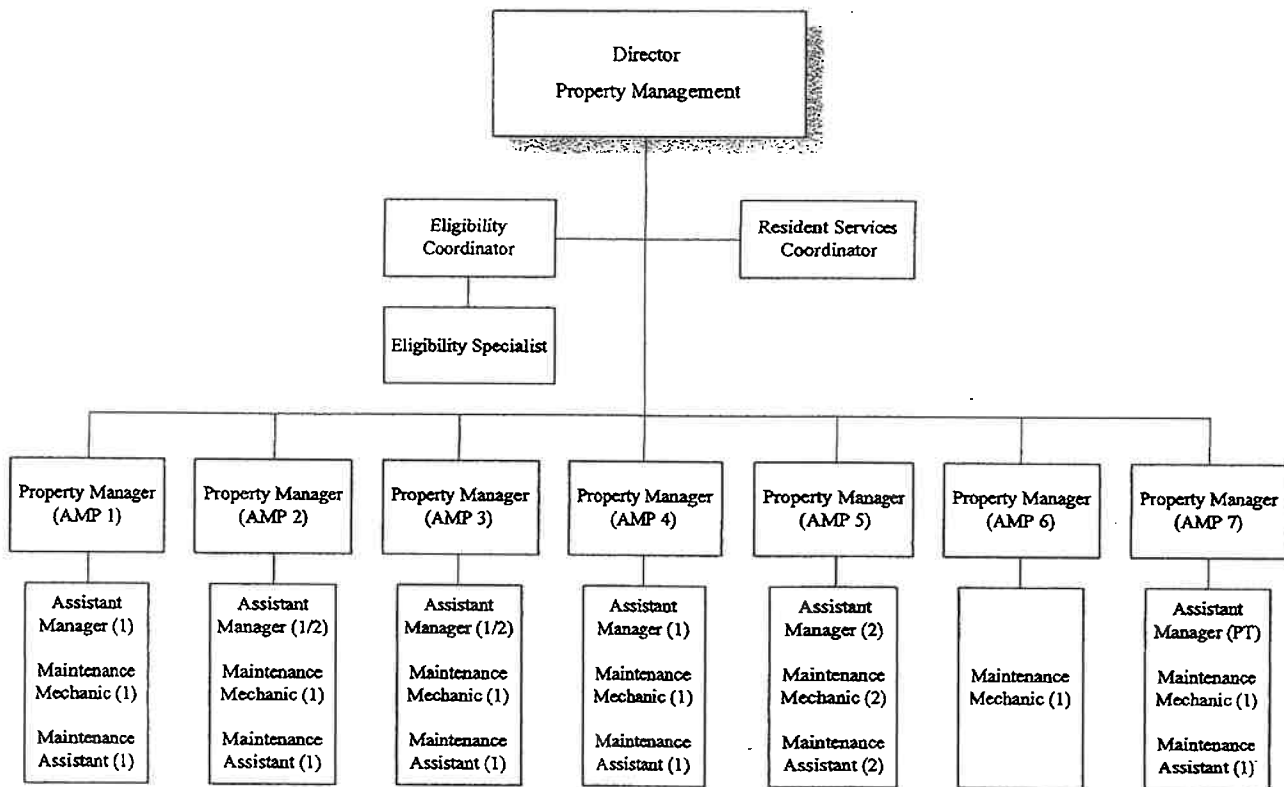
The Nelrod Company is not responsible for any changes made to these policies by any party other than The Nelrod Company.

Attachment: al125d01
Housing Authority of the City of Bessemer
Organizational Chart

**BESSEMER HOUSING AUTHORITY
PROPOSED ORGANIZATIONAL CHART
MASTER CHART**



BESSEMER HOUSING AUTHORITY **PROPOSED ORGANIZATIONAL CHART** **PROPERTY MANAGEMENT DETAILED CHART**



Attachment: al125e01

Housing Authority of the City of Bessemer

Pet Policy

Bessemer Housing Authority
Dwelling Lease Addendum

PET POLICY

This addendum is being executed in accordance with Section XVI of the Dwelling Lease

Section I.

1. Pet ownership: A tenant may own one or more common household pets or have one or more common household pets present in the dwelling unit of such tenant, subject to the following conditions:
 - A. Each Head of Household may own up to two pets. If one of the pets is a dog or cat, (or other four legged animal), the second pet must be contained in a cage or an aquarium for fish. Each bird or other animals, other than fish, shall be counted as one pet. The Head of Household must register the pet with the housing authority. Registration includes the certification from a licensed veterinarian that the pet has obtained all required pet inoculations, information to identify the pet, and the name and address of the pet owner and the name and address of a responsible party to care for the pet if the owner is unable to. This information shall be updated annually as part of the reexamination process.
 - B. If the pet is a dog or cat (house cat), it must be neutered/spayed by the age of six (6) months. The evidence can be provided by a statement/bill from a veterinarian and/or staff of the humane society. The evidence must be provided prior to the execution of this agreement and/or within 10 days of the pet becoming of the age to be neutered/spayed. Tenant must provide waterproof and leak proof litter boxes for cat waste, which must be kept inside the dwelling unit. Cardboard boxes are not acceptable and will not be approved. The Tenant shall not permit refuse from litter boxes to accumulate nor to become unsightly or unsanitary. Also, the weight of a dog and/or cat cannot exceed 20 pounds (fully grown). All other four-legged animals are limited to 10 pounds (fully grown). **Note:** The requirement of having a cat declawed at 3 months has been deleted; however, the head of household will be responsible for the actual cost to repair any damages to the dwelling unit as a result of the cat not being declawed.
 - C. If the pet is a bird, it shall be housed in a birdcage and cannot be let out of the cage at any time.
 - D. If the pet is a fish, the aquarium must be twenty gallons or less, and the container must be placed in a safe location in the unit. The Tenant is limited to one container for the fish; however, there is no limit on the number of fish that can be maintained in the container as long as the container is maintained in a safe and nonhazardous manner.
 - E. If the pet is a cat or dog, it must have received rabies and distemper inoculations or boosters, as applicable. Evidence of inoculations can be provided by a statement/bill from veterinarian or staff of the humane society and must be provided before the execution of this agreement.
 - F. All pets must be housed within the unit and no facilities can be constructed outside of the unit for any pet. No animal shall be permitted to be loose and if the pet is taken outside it must be taken outside on a leash and kept off other Tenant's lawns. Also, all pets must wear collars with identification at all times. Pets without a collar will be picked-up immediately and transported to the Humane Society or other appropriate facility.
 - G. All authorized pet(s) must be under the control of an adult. An unleashed pet, or one tied to a fixed object, is not considered to be under the control of an adult. Pets which are unleashed, or leashed and unattended, on HA property may be impounded and taken to the local Humane Society. It shall be the responsibility of the Tenant to reclaim the pet at the expense of the

Revised 7/15/11

Tenant. Also, if a member of the HA staff has to take a pet to the Humane Society the Tenant will be charged \$50 to cover the expense of taking the pet(s) to the Humane Society.

- H. Pet(s) may not be left unattended for more than twenty-four consecutive hours. If it is reported to HA staff that a pet(s) has been left unattended for more than a twenty-four (24) consecutive hour period, HA staff may enter the unit and remove the pet and transfer the pet to the humane society. Any expense to remove and reclaim the pet from any facility will be the responsibility of the Tenant. In the case of an emergency, the HA will work with the resident to allow more than 24 hours for the resident to make accommodations for the pet.
- I. Pet(s), as applicable, must be weighed by a veterinarian or staff of the humane society. A statement containing the weight of the pet must be provided to the HA prior to the execution of this agreement and upon request by the HA.

Note:

Any pet that is not fully grown will be weighed every six months. Also, any pet that exceeds the weight limit at any time during occupancy will not be an eligible pet and must be removed from HA property.

- 2. Responsible Pet Ownership: Each pet must be maintained responsibly and in accordance with this pet ownership lease addendum and in accordance with all applicable ordinances, state and local public health, animal control, and animal anti-cruelty laws and regulations governing pet ownership. Any waste generated by a pet must be properly and promptly disposed of by the tenant to avoid any unpleasant and unsanitary odor from being in the unit.
- 3. Prohibited Animals: Animals or breeds of animals that are considered by the HA to be vicious and/or intimidating will not be allowed. Some examples of animals that have a reputation of a vicious nature are: reptiles, rottweiler, doberman pinscher, pit bulldog, and/or any animal that displays vicious behavior. This determination will be made by a HA representative prior to the execution of this lease addendum.
- 4. Pet(s) shall not disturb, interfere or diminish the peaceful enjoyment of other tenants. The terms, "disturb, interfere or diminish" shall include but not be limited to barking, howling, chirping, biting, scratching and other like activities. This includes any pets who make noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more and therefore disturbs any person at any time of the day or night. The Housing Manager will terminate this authorization if a pet disturbs other tenants under this section of the lease addendum. The Tenant will be given one week to make other arrangements for the care of the pet or the dwelling lease will be terminated.
- 5. If the animal should become destructive, create a nuisance, represent a threat to the safety and security of other persons, or create a problem in the area of cleanliness and sanitation, the Housing Manager will notify the tenant, in writing, that the animal must be removed from the Public Housing Development, within 10 day of the date of the notice from the HA. The Tenant may request a hearing, which will be handled according to the HA's established grievance procedure. The pet may remain with the tenant during the hearing process unless the HA has determined that the pet may be a danger or threat to the safety and security of other persons. If this determination has been made by the HA, the pet must be immediately removed from the unit upon receipt of the notice from the HA.
- 6. The Tenant is solely responsible for cleaning up the waste of the pet within the dwelling and on the premises of the public housing development. If the pet is taken outside it must be on a leash at all times. If there is any visible waste by the pet it must be disposed of in a plastic bag, securely tied and placed in the garbage receptacle for their unit. If the HA staff is required to clean any waste left by a pet, the Tenant will be charged \$25 for the removal of the waste.
- 7. The Tenant shall have pets restrained so that maintenance can be performed in the apartment. The Tenant shall, whenever an inspection or maintenance is scheduled, either be at home or shall have all animals

restrained or caged. If a maintenance person enters an apartment where an animal is not restrained, maintenance shall not be performed, and the Tenant shall be charged a fee of \$25.00. If this same situation again occurs, the pet shall be removed from the premises. Pets that are not caged or properly restrained may be impounded by animal control officers or by HA staff and taken to the local Humane Society. It shall be the responsibility of the Tenant to reclaim the pet at the expense of the Tenant. Also, if a member of the HA staff takes a pet to the Humane Society the Tenant will be charged an additional \$50 to cover the expense of taking the pet(s) to the Humane Society. The housing authority shall not be responsible if any animal escapes from the residence due to maintenance, inspections or other activities of the landlord.

8. Pets may not be bred or used for any commercial purposes.

Section II. SCHEDULE OF ANNUAL FEES AND INITIAL DEPOSIT

FEE AND DEPOSIT SCHEDULE

(An Initial Fee and Deposit is required for each pet)

<u>Type of Pet</u>	<u>Fee</u>	<u>Deposit</u>
Dog	\$150	\$250
Cat	\$100	\$150
Fish Aquarium	\$50	\$100
Fish Bowl (Requires no power and no larger than two gallons)	\$0	\$0
Caged Pets	\$100	\$150

Fee - Non-Refundable

Deposit - Refundable per Resident Acknowledgment

Note: The above schedule is applicable for each pet; therefore, if a tenant has more than one pet he or she must pay the applicable fee and deposit for each pet.

The entire fee and deposit (subject to the exception listed below) must be paid prior to the execution of the lease addendum. If the deposit is more than \$100.00, the head of household may elect to pay \$100.00 at the time of the signing of this addendum and may make \$50.00 per month payments until the total deposit is paid. No pet shall be allowed in the unit prior to the completion of the terms of this pet policy.

It shall be a serious violation of the lease for any tenant to have a pet without proper approval and without having complied with the terms of this policy. Such violation shall be considered to be a violation of Paragraph IV (L) of the lease (a serious violation) and the HA will issue a termination notice. The tenant will be entitled to a grievance hearing in accordance with the provisions of Paragraph 5 of this Pet Policy or the Grievance Procedure, as applicable.

RESIDENT ACKNOWLEDGMENT

After reading and/or having read to me this lease addendum I, _____ agree to the following: (Print Name)

I agree to abide by the requirements outlined in this lease addendum for pet ownership and to keep the pet(s) in accordance with this lease addendum.

I agree and understand that I am liable for any damage or injury whatsoever caused by pet(s) and shall pay the landlord or applicable party for any damages or injury caused by the pet(s). I also realize that I should obtain liability insurance for pet ownership and that paying for the insurance is my responsibility.

I agree to accept full responsibility and will indemnify and hold harmless the landlord for any claims by or injuries to third parties or their property caused by my pet(s).

The pet I wish to add to my household is a _____.

The fee for this pet is \$ _____ and the deposit is \$ _____.

I agree to pay a non-refundable pet fee of \$ _____ to cover some of the additional operating cost incurred by the HA. I also understand that the fee is due and must be paid prior to the execution of this lease addendum and each twelfth month thereafter.

I also agree to pay a refundable pet deposit of \$ _____ to the HA. The deposit must be paid in full prior to the execution of this lease addendum. However, If the deposit is more than \$100.00, I may agree to pay a down payment of at least \$100.00 and continue to pay \$50.00 per month until the balance is paid in full. My monthly payment will be due on the first day of the month in addition to my monthly rent and the first monthly payment will be due and payable on _____. I further understand that the usual penalty of \$20.00 will apply after the tenth of the month in addition to other charges.

The pet deposit may be used by the landlord at the termination of the lease toward payment of any rent or toward payment of any other costs made necessary because of Tenant's occupancy of the premises. Otherwise, the pet deposit, or any balance remaining after final inspection, will be returned to the Tenant after the premises are vacated and all keys have been returned.

I AGREE AND UNDERSTAND THAT ALL INFORMATION CONCERNING MY PET(S) MUST BE UPDATED ANNUALLY AND PROVIDED TO THE HA AT THE ANNUAL REEXAMINATION. ANNUAL FEES SHALL BE PAYABLE IN FULL TWELVE MONTHS FROM THE APPROVAL DATE.

I AGREE AND UNDERSTAND THAT VIOLATING THIS LEASE ADDENDUM MAY RESULT IN THE REMOVAL OF THE PET(S) FROM THE PROPERTY OF THE HA AND/OR EVICTION. I, ALSO UNDERSTAND THAT I MY NOT BE ALLOWED TO OWN ANY TYPE OF PET IN THE FUTURE WHILE BEING AN OCCUPANT OF THE HA.

I ALSO UNDERSTAND THAT I MUST OBTAIN PRIOR APPROVAL FROM THE HA BEFORE MAKING A CHANGE OF A PET FOR WHICH THIS POLICY WAS APPROVED OR ADDING A SECOND PET. ALSO, A PICTURE MAY BE TAKEN BY THE HA STAFF OF THE PET (S) FOR DOCUMENTATION.

Head of Household Signature	Date
Housing Authority Representative Signature	Date

Note: See Section XVIII-B Pet Rule of ACOP for animals that are approved as "Assistance Animal" for applicability of Pet Policy and Execution of Pet Lease Addendum.

Attachment: al125f01

Housing Authority of the City of Bessemer

Smoke-Free Housing Policy

Bessemer Housing Authority

Smoke-Free Housing Policy

24 CFR Parts 965 and 966

(Lease Addendum and House Rules Amendment)

The Department of Housing and Urban Development (HUD) has implemented a Rule that requires each Public Housing Authority administering public housing to implement a smoke-free policy. Specifically the Rule requires each Public Housing Authority to implement a policy prohibiting lit tobacco products and all smoking in any interior common areas, including but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, electrical rooms and closets, storage units or rooms, stairways, offices, elevators and within all living units in public housing, and Public Housing Authority administration office buildings and vehicles (in brief, a smoke-free policy for all public housing indoor areas). The Housing Authority is also prohibiting electronic nicotine delivery systems (ENDS) and is including it in this policy's definition of Smoking. This policy extends to all outdoor areas up to twenty five (25) feet from housing (doors/entrances, windows and porches) and administrative office buildings and maintenance facilities.

HUD is requiring implementation of smoke-free public housing to improve indoor air quality in housing, benefit the health of public housing tenants and public housing staff, reduce the risk of catastrophic fires, and lower overall maintenance costs. This policy applies to all tenants, tenant's families, tenant's guests, visitors, contractors, service personnel, and employees.

Purpose of Policy

- 1) To mitigate the irritation and known health effects of secondhand smoke. Smoking or exposure to secondhand smoke (sometimes called environmental tobacco smoke) causes premature death from respiratory disease, cancer or heart disease. Smoking is the number one cause of preventable disease in the United States.
- 2) Smoking or exposure to secondhand smoke (sometimes called environmental tobacco smoke) causes premature death from respiratory disease, cancer or heart disease. According to the EPA, secondhand smoke exposure causes disease and premature death in children and adults who do not smoke. People with chronic diseases such as asthma or cardiovascular disease are particularly vulnerable to the effects of secondhand smoke. Secondhand smoke lingers in the air for hours after cigarettes have been extinguished and can migrate between apartments in multifamily buildings.
- 3) To allow all administrative and maintenance staff the opportunity to perform their job duties in an environment that is nonsmoking.

December 1,2017

4) Minimize the maintenance, cleaning, painting and redecorating costs associated with smoking.

5) Decrease the risk of smoking-related fires to property and personal safety. Fires started by lighted tobacco products, principally cigarettes, constitute the leading cause of residential fire deaths.

Definitions

- 1) **Public Housing** – Public Housing is defined as low-income housing, and all necessary appurtenances (e.g. community facilities, public housing offices, day care centers, and laundry rooms) thereto, assisted under the U.S. Housing Act of 1937 (the 1937 Act), other than assistance under section 8 of the 1937 Act.
- 2) **Development/Property** – All Housing Authority's developments and properties are included in this policy and all related administrative offices and maintenance facilities.
- 3) **Smoking** - The term "smoking" means igniting, inhaling, exhaling, breathing or carrying or possessing any lit cigar, cigarette, pipe, water pipe referred to as hookahs or other tobacco product or similar lighted product in any manner or in any form or any other device containing tobacco, marijuana or other legal or illegal substance that burns. This definition also includes electronic nicotine delivery systems (ENDS) including electronic cigarettes ("e-cigarettes).
- 4) **Indoor Areas** – Indoor Areas is defined as living units/apartments. Indoor common areas, electrical rooms and closets, storage units or closets, community bathrooms, lobbies, hallways, laundry rooms, stairways, offices, elevators and all public housing administrative offices/buildings, Maintenance Facilities and vehicles.
- 5) **Individual Apartment /Units** - Individual Apartment/Units are defined as the interior and exterior spaces tied to a particular apartment/unit. This includes, but is not limited to, bedrooms, hallways, kitchens, bathroom, patios, balconies, porches and apartment entryway areas.
- 6) **Common areas** - Common areas are areas that are open to all tenants, tenant's families, tenant's guests, visitors, contractors, service personnel, employees and members of the public. Common areas include:
 - (a) Any inside space
 - (b) Entryways/Entrances
 - (c) Patios, Porches and balconies
 - (d) Lobbies
 - (e) Hallways and stairwells
 - (f) Elevators
 - (g) Management offices
 - (h) Maintenance Offices and Inventory Areas
 - (i) Public restrooms
 - (j) Community rooms
 - (k) Community kitchens
 - (l) Lawns
 - (m) Sidewalks and walkways within the development

- (n) Parking lots and spaces
- (o) Playgrounds, parks and picnic areas
- (p) Common areas also include any other area of the buildings or developments where tenants, tenant's families, tenant's guests, visitors, contractors, service personnel, employees, and members of the public may go.

Effective Date

The Effective Date shall be December 1, 2017. All tenants, tenant's families, tenant's guests, visitors, contractors, service personnel, employees, and members of the public in and/or on Housing Authority property will be prohibited from smoking inside the buildings, common area, including all housing apartments starting on that date. Smoking is only allowed beyond twenty five (25) feet from all housing (doors/entrances, windows and porches) and administrative office buildings and maintenance facilities.

Tenants Responsibilities and Lease Violations

- 1) Tenants are prohibited from smoking within twenty five (25) feet of all housing (doors/entrances, windows and porches) and administrative office buildings and maintenance facilities.
- 2) Tenants are responsible for the actions of their household, their guests, and visitors. Any tenant, including the members of their household, guests, or visitors will be considered in violation of the lease if found smoking in any Housing Authority facility or apartment, or anywhere on Housing Authority property that is deemed as a nonsmoking area. Visual observation of smoking is not necessary to substantiate a violation of this Smoke Free Housing Policy. For example, the presence of smoke, tobacco smoke odor, or smoke stains within an apartment in combination with butts, ash trays, or other smoking paraphernalia will be considered significant evidence of a policy violation. In addition, tenant will be responsible for all costs to remove smoke odor or residue upon any violation of this policy.
- 3) Any deviation from the Smoke Free Housing Policy by any tenant, a member of their household, or their guest or visitor will be considered a lease violation. (Any cigarette butts not properly disposed of may also be cause for a cleaning service charge.)
- 4) No smoking signs will be posted both outside and inside the buildings, offices and common areas of the Housing Authority property. Tenants will be responsible to inform all their household, family, guests and visitors that their apartment is smoke free and that their housing may be affected by violators.

December 1, 2017

- 5) If the smell of tobacco smoke is reported, the Housing Authority will seek the source of the smoke and appropriate action will be taken. Tenants are encouraged to promptly give Property Management staff a written statement of any incident where smoke is migrating into the Tenant's apartment from sources outside of the Tenant's apartment.

ENFORCEMENT

If a tenant is found to be in violation of the Smoke Free Housing Policy, the following steps will be taken:

- **First offense – First Offense** – The first documented occurrence will result in the issuance of a warning notice with the following: the scheduling of an apartment inspection including an area within 25 feet of the apartment to ensure all activities deemed lease violations have completely ceased and the tenant has cleaned the apartment and surrounding area and removed all policy violating items covered under this policy's definition of "Smoking". This inspection will be conducted within fourteen (14) days of the date of the notice. If the tenant fails this inspection it shall be considered a Second Offense.
- **Second Offense** - The second documented occurrence will result in a lease termination notice with the ability to cure as follows: the scheduling of an apartment inspection including an area within 25 feet of the apartment to ensure all activities deemed lease violations have completely ceased and the tenant has cleaned the apartment and surrounding area and removed all policy violating items covered under this policy's definition of "Smoking". This inspection will be conducted within fourteen (14) days of the date of the notice. If the tenant fails this inspection it shall be considered a Third Offense and an assessment of \$150.00 being assessed against the tenant to cover the cost of post tenancy cleaning.
- **Third Offense** - The third documented occurrence will result in a lease termination notice with the ability to cure as follows: the scheduling of an apartment inspection including an area within 25 feet of the apartment to ensure all activities deemed lease violations have completely ceased and the tenant has cleaned the apartment and surrounding area and removed all policy violating items covered under this policy's definition of "Smoking". This inspection will be conducted within fourteen (14) days of the date of the notice. If the tenant fails this inspection it shall be considered a Fourth Offense.
- **Fourth Offense** - The fourth documented occurrence within a 12 month period will result in Lease termination with no opportunity to cure.

NOTE: Offenses are based on a revolving 12 month period. Offenses older than 12 months will not be considered when determining the number of offenses.

December 1,2017

The landlord will have the discretion to perform inspections as the landlord deems necessary to confirm policy compliance.

Health and Safety of Employees and Contractors

For the health and safety of Housing Authority employees and their representatives, no tenant shall have any type of tobacco or related product burning at such time as any employee or representative of the Housing Authority enters and remains in their apartment. If any tenant refuses to put out the burning tobacco or related product prior to the employee or representative entering their apartment, or if the tenant lights a tobacco or related product while an employee or representative remains in their apartment, the employee or representative shall vacate the apartment immediately and not return until such time as there is no longer any tobacco or related product burning. This may result in a delay of services to the tenant's apartment and possibly eviction.

Adoption of Policy by Tenant

Upon approval of this policy, all tenants presently living in the Housing Authority apartments and new tenants will be given a copy of this policy. After review both incoming and current tenants will be required to sign the Smoke Free Housing Lease Addendum/ House Rules Amendment. A copy will be retained in the tenant file. All tenants will be required to sign the new no smoking agreement prior to the Effective Date. Failure to sign and/or return the Smoke Free Housing Policy Lease Addendum/House Rules Amendment to the Property Management office in a timely manner will result in a written warning, and if still not received after the two warnings, eviction. All current tenants who smoke will be provided with resources for a cessation program upon request. The development's Property Manager will provide information on cessation program accessibility.

Disclaimers and Representations

- 1) The Smoke Free Housing Policy does not mean that tenants and/or employees will have to quit smoking in order to live and/or work at the Housing Authority developments and offices or drive its vehicles.
- 2) The Housing Authority Not Guarantor of Smoke Free Environment – Housing Authority's adoption of the Smoke Free Housing Policy, and the efforts to designate portions of developments as non-smoking does not make the Housing Authority or any of its Board of Commissioners, officers, employees or agents the guarantor of Tenant's health or of the smoke free condition of the non-smoking portions of developments. However, the Housing Authority will take reasonable steps to enforce the Smoke Free Housing Policy. The Housing Authority is

December 1, 2017

not required to take steps in response to smoking unless the Housing Authority has actual knowledge of the smoking and the identity of the responsible tenant.

- 3) Housing Authority Disclaimer – The Housing Authority's adoption of a non-smoking living environment, and the efforts to designate portions of its developments as non-smoking does not in any way change the standard of care that the Housing Authority has under applicable law to render its developments any safer, more habitable or improved in terms of air quality standards than any other rental premises. The Housing Authority specifically disclaims any implied or express warranties that the air quality in the apartment or the building containing the apartment will improve or be any better than any other rental property. The Housing Authority cannot and does not warranty or promise that its developments will be free from secondhand smoke. The Housing Authority's adoption of the Smoke Free Housing Policy does not in any way change the standard of care that it has to the Tenant's apartments and the common spaces.
- 4) The Housing Authority's ability to police, monitor or enforce the Smoke Free Housing Policy is dependant in significant part on voluntary compliance tenants, tenant's household, tenant's families, tenant's guests and visitors.
- 5) Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that the Housing Authority does not assume any higher duty of care to enforce this policy than any other Landlord obligation under the Lease. The Housing Authority is not responsible for smoke exposure even if the tenant, a member of the tenant's household, tenant's families, tenant's guests or visitors have respiratory ailments, allergies, or any other physical or mental condition relating to smoke.
- 6) Even though the Housing Authority has adopted a Smoke Free Housing Policy it cannot guarantee that smoking will never happen.
- 7) In apartments that used to allow smoking, the effects of that smoking may still linger.

FAILURE TO SIGN THE ATTACHED LEASE ADDENDUM/HOUSE RULES AMENDMENT AND/OR RETURN IT TO THE PROPERTY MANAGEMENT OFFICE IN A TIMELY MANNER WILL BE CONSIDERED A LEASE VIOLATION AND PUT YOU AT RISK OF EVICTION.

Bessemer HOUSING AUTHORITY

SMOKE FREE HOUSING POLICY

LEASE ADDENDUM AND HOUSE RULES AMENDMENT

I, _____, acknowledge receipt of Bessemer
Print Name
Housing Authority's Smoke Free Housing Policy which will become effective on December 1,
2017.

I acknowledge that I have read and agree to abide by the Smoke Free Housing Policy and understand that it is included and has become a binding and enforceable part of my lease with Bessemer Housing Authority as well as the House Rules and that any violations of said policy will result in the following:

- **First offense – First Offense** – The first documented occurrence will result in the issuance of a warning notice with the following: the scheduling of an apartment inspection including an area within 25 feet of the apartment to ensure all activities deemed lease violations have completely ceased and the tenant has cleaned the apartment and surrounding area and removed all policy violating items covered under this policy's definition of "Smoking". This inspection will be conducted within fourteen (14) days of the date of the notice. If the tenant fails this inspection it shall be considered a Second Offense.
- **Second Offense** - The second documented occurrence will result in a lease termination notice with the ability to cure as follows: the scheduling of an apartment inspection including an area within 25 feet of the apartment to ensure all activities deemed lease violations have completely ceased and the tenant has cleaned the apartment and surrounding area and removed all policy violating items covered under this policy's definition of "Smoking". This inspection will be conducted within fourteen (14) days of the date of the notice. If the tenant fails this inspection it shall be considered a Third Offense and an assessment of \$150.00 being assessed against the tenant to cover the cost of post tenancy cleaning.
- **Third Offense** - The third documented occurrence will result in a lease termination notice with the ability to cure as follows: the scheduling of an apartment inspection including an area within 25 feet of the apartment to ensure all activities deemed lease

December 1, 2017

violations have completely ceased and the tenant has cleaned the apartment and surrounding area and removed all policy violating items covered under this policy's definition of "Smoking". This inspection will be conducted within fourteen (14) days of the date of the notice. If the tenant fails this inspection it shall be considered a Fourth Offense.

- **Fourth Offense** - The fourth documented occurrence within a 12 month period will result in Lease termination with no opportunity to cure.

Tenant Signature: _____

Apartment Number: _____

Date: _____

FAILURE TO SIGN THE ATTACHED LEASE ADDENDUM/HOUSE RULES AMENDMENT AND/OR RETURN IT TO THE PROPERTY MANAGEMENT OFFICE IN A TIMELY MANNER WILL BE CONSIDERED A LEASE VIOLATION AND PUT YOU AT RISK OF EVICTION.

December 1, 2017