

Notice of Public Hearing

The Needham Housing Authority invites all tenants and the general public to a review of the Authority's Proposed Annual Plan for Fiscal Year 2021

The Annual Plan is intended to provide insight into the Authority's operations and plans for the coming fiscal year as they affect the Authority's state-aided public housing. The Proposed Annual Plan is comprised of the following elements:

1. Proposed Capital Improvement Plan (5-year)
2. Proposed Maintenance and Repair Plan
3. Current Operating Budget
4. Responses to the Performance Management Review (PMR) findings
5. List of housing authority policies
6. List of waivers from governing regulations of the Department of Housing and Community Development (DHCD)
7. Other elements

Hearing time and date: **6:00 Pm on 10/29/2020**

Hearing location: Virtual <https://us02web.zoom.us/j/82930354503>

Phone: US: +1 301 715 8592

ID#-829 3035 4503

Residents and the general public are invited to review the Annual Plan before the hearing and may submit public comments as noted below. The Authority shall consider the concerns of any Local Tenants' Organization (LTO) or Resident Advisory Board (RAB) regarding needs and priorities and incorporate some or all of such needs and priorities in the draft plan if deemed by the Authority to be consistent with sound management. Substantive comments will be summarized and included in the Annual Plan when it is submitted to the Department of Housing and Community Development (DHCD).

- o Copies of the Annual Plan are available at the Authority's office or may be reviewed online at <https://tinyurl.com/LHA-MA-AnnualPlan>
- o Comments may be submitted orally at the hearing, by emailing the housing authority office, or by submitting written comments at the housing authority office. Comments must be received no later than the close of the public hearing. o

For reasonable accommodation requests contact the housing authority office by 10/16/2020 at 4:00 PM.

- o Contact information for Needham Housing Authority:

Office: 28 Captain Robert Cook Drive, Needham, MA 02494

Phone: (781) 444-3011

Email: amedeiros@needhamhousing.org

Detailed Instructions for Remote Access

Topic: Public Hearing - NHA Annual Plan

You are invited to a Zoom webinar.

When: Oct 29, 2020 06:00 PM Eastern Time (US and
Canada) <https://us02web.zoom.us/j/82930354503> Or

iPhone one-tap :

US: +13017158592,,82930354503# or +13126266799,,82930354503#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346
248 7799 or +1 669 900 9128

Webinar ID: 829 3035 4503



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NEEDHAM HOUSING AUTHORITY

Substantial Deviation or Significant Amendment or Modification to the 5 Year Plan

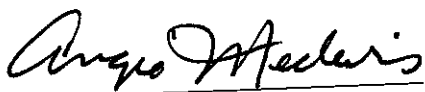
As required, the Needham Housing Authority hereby adopts the following policy to address the threshold for revisions to the Annual/5 Year Plan that would require a public process.

The Needham Housing Authority defines such revisions as:

- Revision that impact application preferences and selection order, changes in lease provisions, rent calculation or grievances
- Modifications by adding any new non-emergency work item to the latest HUD approved CFP 5 Year Action Plan
- Conversion to homeownership, demolition and disposition of public housing
- CFP financing, development or mixed financing proposals
- Repositioning of Needham Housing Authority Federal Developments
- Modification to the Capital Fund Program Plan

Angie Medeiros

Executive Director



Date 11/2/2020

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A. PHA Information

A.1 PHA Name: Needham Housing Authority PHA Code: MA065

PHA Plan for Fiscal Year Beginning: (MM/YYYY): 1/2021
 PHA Plan Submission Type: 5-Year Plan Submission Revised 5-Year Plan Submission

Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

- Seedbed's Laundry Area
- NHA Office
- NHA Website

PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)

Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
				PH	HCV
Lead PHA:					

B. 5-Year Plan. Required for all PHAs completing this form.

B.1 Mission. Please see attached mission statement

B.2 Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, very low-income, and extremely low-income families for the next five years.

The Authority plans to address issues of poor previous management by building relationship and trust with all NHA residents. NHA will implement HUD rules and regulations such as, recertification executed on a timely manner, and lower balance due on A/R.

The Authority plans to continue as an advocate for its tenants and others in bringing necessary services and programs to the Authority and the community. The Authority continues to reduce vacancies, upgrade units when being made ready for occupancy. The Authority continues to support and encourage its tenants and local tenants' organizations by providing information and assistance as well as training at local conferences and workshops.

The Authority's Section 8 Program is currently being managed by another Authority. Needham Housing Authority has hired new staff to build the necessary to bring the Section 8 Program back to Needham in 2021 and expand it by implementing homeownership programs and seeking additional vouchers if they become available.

The Authority is at the preliminary stages of considering major modernization and/or development of our properties:

- At High Rock Estates, redeveloping up to 60 one family units into 60 duplexes (similar to what was done with High Rock Homes between 2005-2009);
- At Seabeds Way and Capt. Robert Cook, major modernization of all existing units.
- At the Seabeds/Cook property, development of a new 61-unit building for senior low-income housing.

More details can be found in the February 2019 Facilities Master Plan, which can be accessed at the Authority website: <https://www.needhamhousing.org/public-notice/masterplan/>

B.3	<p>Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <ul style="list-style-type: none"> • Achieve a High Performer designation in the Voucher program/public housing; • Maintain a short vacant unit turnover time average, in order to provide maximum assistance to families; • Utilize Capital Fund Program grants to address capital needs and reasonable accommodation improvement requests at the Federal Public Housing developments; • Continue to seek and evaluate opportunities to increase the supply of affordable housing in the Town of Needham; • Plan of Redevelopment of federal-funded public housing units located at High Rock Estates or Captain Robert Cook Drive or Linden & Chambers in order to increase the supply of affordable housing in Needham for elderly and disabled families; • Utilize Capital Fund Program grants to address capital needs and reasonable accommodation improvement requests at the Federal Public Housing developments; • Promote self-sufficiency and asset development of assisted families by working with families to connect them with supportive services for improving education, employability and financial stability; and • Ensure equal opportunity and affirmatively further fair housing by undertaking affirmative measures to ensure success to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability
B.4	<p>Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>See Attached</p>
B.5	<p>Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p>
B.6	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
B.7	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

Instructions for Preparation of Form HUD-50075-5Y 5-Year PHA Plan for All PHAs

A. PHA Information 24 CFR §903.23(4)(e)

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

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

B. 5-Year Plan.

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

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

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

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

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

B.6 Resident Advisory Board (RAB) comments.

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

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

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

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

Progress Made Toward Goals from Prior 5-Year Plan

During the 2015-2020 5-Year period, the NHA achieved the following milestones:

- Achieved Standard Performer status for the PHAS certification.
- Recertified all outstanding recertifications during new management transition.
- Increase accounts receivable on rents that were in arrearage.
- NHA received a grant to replace all boilers at High Rock, Captain Robert Cook and Seabeds Way.
- NHA was able to begin siding project at the Captain Robert Cook Drive development.
- NHA was able to replace all Fire Panels bringing it up to Local and State code.
- During the COVID pandemic implemented safe practices having only three residents having been affected by the virus.
- Hiring management staff.
- Clean up continues as the ongoing Inspector General's investigations continue from previous mis management.
- Continue to seek and evaluate opportunities to increase the supply of affordable housing in the Town of Needham.

Goals & Objectives/Strategy for Addressing Housing Needs

As stated above, because there is a shortage of affordable housing units for low-income families across the region and throughout the Commonwealth of MA, every affordable unit that can be made available to low-income families makes a difference.

One of the largest challenges for the NHA is decreased Federal funding for the Federal Public Housing and Voucher Programs. However, the NHA has set the following goals for the 2021-2025 5-Year Planning period:

- Achieve a High Performer designation in the Voucher program;
- Conduct outreach to property owners in the Town of Needham in order to increase awareness of the Voucher program;
- Maintain a short vacant unit turnover time average, in order to provide maximum assistance to families;
- Utilize Capital Fund Program grants to address capital needs and reasonable accommodation improvement requests at the Federal Public Housing developments;
- Promote self-sufficiency and asset development of assisted families by working with families to connect them with supportive services for improving education, employability and financial stability; and
- Ensure equal opportunity and affirmatively further fair housing by undertaking affirmative measures to ensure success to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability.

Definition of Significant Amendment and Substantial Deviation
Needham Housing Authority (MA065)

The Needham Housing Authority (NHA) considers the following to be a significant amendment or substantial deviation/modification to this 5-Year Plan:

- An addition(s) of any non-emergency work item(s) that exceed 10% of the total grant and are not included in the current year Annual Statement or 5-Year Action Plan.
- Any material changes to the NHA Policies set forth in the Section 8 Administrative Plan and/or Admissions and Continued Occupancy Policy. Changes to internal procedures that may be included as part of these policies are not considered to be a significant amendment or substantial deviation.
- Changes to the overall mission and/or the long-term goals of the agency.
- Changes to the amount or type of housing stock.
- A proposed demolition, disposition, homeownership, Capital Fund financing, development or mixed finance proposal.

Flat Rent Significant Amendment

The NHA hereby amends its flat rent policies to comply with the statutory changes contained within, Public Law 113-76, the Fiscal Year 2014 Appropriation Act.

Then NHA will set the flat rental amount 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) adjusted, if necessary, to account for reasonable utilities costs. The new flat rental amount will apply to all new program admissions effective October 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 NHA will place a cap on any increase in a family's rental payment that exceeds 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

Residents

The NHA Federal Public Housing Program currently has 130 residents. The NHA Voucher Program currently has 120 residents. The statistical data for these programs is as follows:

	Public Housing Total #	Public Housing % of Total	Voucher Program Total #	Voucher Program % of Total
Race				
Caucasian	75	65.79%	91	81.25%
African- American	30	26.32%	19	16.96%
Asian	9	7.89%	3	2.68%
Ethnicity				
Hispanic	16	12.31%	16	14.29%
Non-Hispanic	114	87.69%	96	85.71%
Composition				
Elderly	34	10.93%	30	26.79%
Disabled	26	8.36%	64	57.14%
Household Size				
1 Member	46	35.38%	43	33.08%
2 Members	29	22.31%	37	28.46%
3 Members	30	23.08%	46	35.38%
4 Members	15	11.54%	4	3.08%
5 Members	6	4.62%	0	0%
6 Members	2	1.54%	0	0%
7 Members	1	.77%	0	0%
8 Members	1	.77%	0	0%
Total Annual Income				
ELI (<=30% AMI)	94	69.63%	91	81.25%
Very Low (<= 50% AMI)	30	22.22%	16	14.29%
Low (<= 80% AMI)	6	4.44%	3	2.68%
Above 80%	5	3.70%	2	1.79%

Additional Local Demographical Information

The following seven pages are an excerpt from a Needham Housing Needs Assessment conducted by the Needham Housing Authority in 2020. This Executive Summary excerpt clearly outlines the demographic, economic and housing trends in Needham, priority housing needs, challenges and recommendations for meeting the local housing needs in the Town of Needham.

MISSION STATEMENT

The Needham Housing Authority's mission is to provide decent, safe and affordable housing for low to moderate income families respecting the rights and privacy of each individual and to help improve the quality of life for the participants through related programs and resources.

The Needham Housing Authority shall operate in an environment where all employees will be expected to:

Act in an ethical and professional manner with each other, clients, and the general public.

Operate effectively and efficiently in a cooperative organization with minimum bureaucracy

Have a sense of ownership

Exhibit an attitude of cooperation and team spirit

Demonstrate a sense of respect for each other

Be ambassadors of good will for the Authority

Support a work environment that emphasizes trust and freedom

Protect the assets and limit the exposure of liability in the performance of their jobs

NEEDHAM HOUSING AUTHORITY VIOLENCE AGAINST WOMEN ACT POLICY

1. PURPOSE AND APPLICABILITY

Notwithstanding its title, this statute makes clear that the protections are for all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, sexual orientation, or age.

The purpose of this policy is to implement the applicable provisions of the Violence Against Women Reauthorization Act of 2013, which reauthorizes and amends the Violence Against Women Act (VAWA) of 1994, as previously amended. VAWA 2013 protects qualified tenants, participants, and applicants, and affiliated individuals, who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied housing assistance, evicted, or terminated from housing assistance based on acts of such violence against them.

This Policy shall be applicable to the administration by NHA of all its federally subsidized public housing and Housing Choice Voucher (HCV) programs under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.).

2. DEFINITIONS

Affiliated individual. (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent to a child (for example, the affiliated individual is a child in the care, custody, or control of that individual); or (2) any individual, tenant, or lawful occupant living in the household of that individual. Under VAWA 2013, the term "affiliated individual" replaces the term "immediate family member".

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.

Dating violence: Violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the (i) length of the relationship; (ii) type of relationship; and (iii) frequency of interaction between the persons involved in the relationship.

Domestic violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim (as defined in 18 U.S.C. 2266), by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse 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.

Sexual assault: means 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: (1) Fear for his or her safety or the safety of others; or (2) Suffer substantial emotional distress.

3. NOTIFICATION OF OCCUPANCY RIGHTS UNDER VAWA

In accordance with VAWA 2013, Needham Housing Authority will provide written notice to public housing and Housing Choice Voucher applicants and tenants of their rights under VAWA (See Attachment A) at the time:

1. an applicant is denied assistance or admission;
2. the individual is provided assistance or admission under the covered housing program; and
3. that any notification of eviction or notification of termination of rental assistance is issued. The notification will also include the VAWA Certification Form described in Section IV.A.1 below to be used as verification to the NHA for any resident or applicant claiming protection under the Act.

4. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

- A. **Requirement for Verification:** For those seeking protection under this Policy, the law allows, but does not require, NHA to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. NHA shall require verification in all cases where an individual claims protection against an action.
- i. *HUD-approved form:* The NHA may request that an individual certify via a HUD-approved certification form (See Attachment B) that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incident in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the statute. Such certification shall include the name of the perpetrator. If there is reason to believe that verification is incomplete or inaccurate, the NHA may require additional documentation of the incident(s). Such documentation requirement shall not place the victim in danger.
 - ii. *Other Documentation:* An individual may also satisfy the certification requirement by providing NHA staff with documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, or a medical or mental health professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question meet the definition of the applicable abusive action(s) set forth in this policy. The victim of the described incident(s) of domestic violence, dating violence, or stalking must also sign and attest to the documentation;
 - iii. *Police or Court Record:* An individual may provide NHA with a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

- B. **Time Allowed to Provide Verification:** An individual that claims protection under this Act has **fourteen (14)** business days after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. Time for response will be extended upon a showing of good cause as determined by the Director of Field Operations.

5. CONFIDENTIALITY

All information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided by the victim to the NHA pursuant to the verification required under Section 4.A of this policy, shall be retained in confidence and not entered into any shared database nor provided to any related entity except when the disclosure is: (1) consented to by the individual in writing, (2) required for use in eviction proceedings, or (3) otherwise required by law.

6. TRAINING

Housing Choice Voucher, Public Housing Management and Tenant Selection staff employed by the NHA will be encouraged to participate in training sessions dealing with issues of Violence Against Women, in order to recognize residents who are victims.

7. ADMISSIONS AND SCREENING

- A. **Denial of Assistance:** NHA will not deny admission to Public Housing or Housing Choice Voucher (HCV) assistance to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.
- B. **Admissions Preference:** Applicants for Public Housing and HCV assistance from NHA will receive a priority in admission by virtue of their status as victims of domestic violence. This priority is described for Public Housing in the NHA's ACOP and for HCV participants in its Administrative Plan.
- C. **Mitigation of Disqualifying Information:** When requested by an applicant for Public Housing and HCV assistance whose history includes incidents in which the applicant was a victim of domestic violence, dating violence and/or stalking, NHA may take such information into account in mitigation of potentially disqualifying information, such as previous damage to a dwelling or criminal records. NHA shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history and its probable relevance to the potentially disqualifying information. NHA may disregard such mitigating circumstances if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence, dating violence and/or stalking.

8. TERMINATION OF TENANCY OR ASSISTANCE

- A. **VAWA Protections.** Under VAWA, public housing residents, and persons assisted under the Housing Choice Voucher program, have the following specific protections, which will be observed by NHA in administration of its programs:

- i. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating tenancy or assistance to the victim of that violence.
 - ii. Further, tenancy or assistance will not be terminated by NHA as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest, or another person under the tenant's control, and the tenant or a member of the household is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
 - a) NHA may evict or terminate assistance to a tenant for good cause when it is not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant's household so long as the same standards apply equally to victims and non-victims.
 - b) NHA may evict or terminate from assistance any tenant or lawful applicant if the NHA can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.
- B. Lease Bifurcation (Removal of the Perpetrator).** Notwithstanding anything in paragraph 8.B (ii) above, or Federal, State or local law to the contrary, NHA may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who perpetrates acts of physical violence against family members or others. Such action against said perpetrator (1) may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant, and (2) shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by NHA.

9. TRANSFER TO NEW RESIDENCE

The opportunity to transfer in Public Housing or relocate in the Housing Choice Voucher program due to incidents of domestic violence, dating violence and/or stalking is described in the NHA Admissions and Continued Occupancy Policy (ACOP) and NHA Administrative Plan, respectively. NHA will incorporate reasonable confidentiality measures to ensure that it does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

10. COURT ORDERS

When notified of a court order, NHA will comply with a court order with respect to: (a) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic

violence, dating violence, sexual assault, or stalking; or (b) The distribution or possession of property among members of a household in a case.

11. GRIEVANCE PROCEDURE

All residents have the right to have a Grievance Hearing after a Private Conference is made. Upon filing a written request, as provided by the Needham Housing Authority grievance procedure, any resident who disagrees with any NHA action will be afforded this opportunity.

NEEDHAM HOUSING AUTHORITY NOTICE OF OCCUPANCY RIGHTS UNDER VAWA

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. The name of the law is the Violence Against Women Act, or "VAWA." This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for public housing, the housing authority cannot refuse to admit you to the public housing program solely because you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are the victim of domestic violence, dating violence, sexual assault, or stalking, the housing authority cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you if you were the victim of the abuse.

Reasons You Can Be Evicted

The housing authority can still evict you if the housing authority can show there is an *actual and imminent* (immediate) threat to other tenants or housing authority staff if you are not evicted. Also, the housing authority can evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking against you. The housing authority cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

The housing authority may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If the housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, the housing authority must follow federal, state, and local eviction procedures.

Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

The housing authority can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, sexual assault, or stalking. It must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority is free to extend the deadline. There are three ways you can prove that you are a victim:

1. Complete the certification form given to you by the housing authority. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if it is safe to provide and you know their name.
2. Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."

3. Provide a police or court record, such as a protective order.

Attachment A

If you fail to provide one of these documents within the required time, the housing authority may evict you.

Confidentiality

The housing authority must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority to release the information.
- The housing authority needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority to release the information.
- If release of the information would put your safety at risk, you should inform the housing authority.

VAWA and Other Laws

VAWA does not limit the housing authority's duty to honor court orders about access to or control of a public housing unit. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up. VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

Definitions

For purposes of determining whether a public housing applicant or tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines **domestic violence** to include felony or misdemeanor crimes of violence committed by any of the following: a current or former spouse of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or 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

VAWA defines **dating violence** as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

VAWA defines **sexual assault** as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

VAWA defines **stalking** as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure,

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harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Attachment A

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Purpose of Form: The Violence Against Women Reauthorization Act of 2013 ("VAWA") protects qualified tenants, participants, and applicants, and affiliated individuals, who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied housing assistance, evicted, or terminated from housing assistance based on acts of such violence against them.

Use of Form: This is an optional form. A PHA, owner or manager presented with a claim for continued or initial tenancy or assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking (herein referred to as "Victim") has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. The Victim has the option of either submitting this form or submitting third-party documentation, such as:

- (1) A record of a Federal, State, tribal, territorial, or local law enforcement agency (e.g. police), court, or administrative agency; or
- (2) Documentation signed by the Victim and signed by an employee, agent or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom the Victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) that he or she believes that the incident of domestic violence, dating violence, sexual assault, or stalking is grounds for protection under 24 Code of Federal Regulations (CFR) § 5.2005 or 24 CFR § 5.2009.

If this form is used by the Victim, the Victim must complete and submit it within 14 business days of receiving it from the PHA, owner or manager. This form must be returned to the person and address specified in the written request for the certification. If the Victim does not complete and return this form (or provide third-party verification) by the 14th business day or by an extension of the date provided by the PHA, manager or owner, the Victim cannot be assured s/he will receive VAWA protections.

If the Victim submits this form or third-party documentation as listed above, the PHA, owner or manager cannot require any additional evidence from the Victim.

Confidentiality: All information provided to a PHA, owner or manager concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking relating to the Victim (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking) shall be kept confidential by the PHA, owner or manager, and such information shall not be entered into any shared database. Employees of the PHA, owner, or manager are not to have access to these details unless to afford or reject VAWA protections to the Victim; and may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) requested or consented to by the Victim in writing; (ii) required for use in an eviction proceeding; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING:

Date Written Request Received by Victim: _____
Name of Victim: _____

Names of Other Family Members Listed on the Lease: _____

Name of the Perpetrator*: _____

*Note: The Victim is required to provide the name of the perpetrator only if the name of the perpetrator is safe to provide, and is known to the victim.

Perpetrator's Relationship to Victim: _____

Date(s) the Incident(s) of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
Occurred: _____

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Incident(s): _____

Location of _____

Description of Incident(s) (This description may be used by the PHA, owner or manager for purposes of evicting the perpetrator. Please be as descriptive as possible.):

[INSERT TEXT LINES HERE]

I hereby certify that the information that I have provided is true and correct and I believe that, based on the information I have provided, that I am a victim of domestic violence, dating violence, sexual assault or stalking. I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction.

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Signature _____

Executed on (Date) _____

Public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. Information provided is to be used by PHAs and Section 8 owners or managers to request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking. The information is subject to the confidentiality requirements of

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the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number. **Form HUD-50066 (07/2014)**