

LIPH 2018 ACOP Suggested Changes

Chapter 3: Eligibility

Current LHC Policy: 3-III.D. SCREENING pg. 3-21

LHC is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a State of Michigan sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 960.204(a)(4)].

Proposed Changes to LHC Policy: 3-III.D. SCREENING pg. 3-21

LHC Policy

LHC will use the National Sex Offender database available to screen applicants for admission.

Additionally, LHC must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

Current LHC Policy: 3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING pg. 3-27

The Violence against Women Act of 2005 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit LHC's from denying admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking.

Current LHC Policy:

LHC Policy

LHC acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under LHC's policies.

Proposed Changes to LHC Policy: 3-III.F. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING pg. 3-27

The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying admission to an otherwise qualified applicant on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Proposed Changes to LHC Policy addition to ACOP:

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD-5380) and a domestic violence certification form (HUD-5382) at the time the applicant is denied.

Proposed changes to LHC Policy:

LHC acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under LHC's policies.

While LHC is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform LHC that their status as a victim is directly related to the grounds for the denial. LHC will request that the applicant provide enough information to LHC to allow LHC to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

LHC will include in its notice of denial information about the protection against denial provided by VAWA in accordance with section 16-VII.C of this ACOP, a notice of VAWA rights, and a copy of the form HUD-5382. LHC will request in writing that an applicant wishing to claim this protection notify LHC within 14 business days.

Chapter 5: Occupancy Standards and Unit Offers

Current LHC Policy: 5-I.B. DETERMINING UNIT SIZE pg. 5-2

- Foster children may be included in determining unit size.
- **Proposed LHC Policy Change:** The family may add foster children to the household as long as it does not overcrowd the home, will be considered when determining unit size.
- **Proposed LHC Policy Change:** Children away at school, but for whom the unit is considered the primary residence, and children temporarily placed outside the home, will be considered when determining unit size.

Chapter 7: Verification

Current LHC Policy: 7-I.C UP-FRONT INCOME VERIFICATION (UIV) EIV pg. 7-6

Income reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits.

Proposed LHC Policy Change:

Income reports will be used in all reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

Chapter 8: Leasing and Inspections

Current LHC Policy: 8-I.A. OVERVIEW pg. 8-1

The term of the lease is for a period of 12 months. The lease will be renewed automatically for another 12-month term, except that LHC may not renew the lease if the family has violated the community service requirement [24 CFR 966.4(a)(2)].

Proposed Changes to LHC Policy:

The term of the lease is for a period of month to month with a 30-day written notice to vacate given. The lease will be renewed automatically for another month to month term with a 30-day written notice to vacate, except that LHC may not renew the lease if the family has violated the community service requirement [24 CFR 966.4(a)(2)].

Proposed LHC Policy Change: Orientation Agenda pg. 8-2

Additional addendums given:

The LHC lease

A copy of the form HUD-5380, VAWA Notice of Occupancy Rights

A copy of the form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking

A copy of LHC's smoke -free policy

A notice that includes the procedures for requesting relief and LHC's criteria for granting request for relief for excess utility surcharges

Current LHC Policy: 8-I.F. PAYMENTS UNDER THE LEASE Rent Payments [24 CFR 966.4(b)(1)] pg. 8-5

The resident rent is due and payable at the LHC-designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

Proposed Changes to LHC Policy:

The resident rent is due and payable at the LHC-designated location on the first of every month.

Proposed Changes to LHC Policy: Excess Utility Charges pg. 8-7

LHC may grant requests for relief from surcharges from excess utility consumption of PHA-furnished utilities as a reasonable accommodation where LHC deems an exception is appropriate to meet the needs of elderly, ill, or disabled residents. In determining whether to grant this request, LHC will consider special factors affecting utility usage that are not within the control of the resident, such as the need for medical equipment. Residents may request relief in accordance with Section 2-II.C. of this ACOP. LHC will process such requests in accordance with Section 2-II.E. of this ACOP.

Notice of the availability of procedures for requesting relief (including LHC representative with whom initial contact may be made by the resident) and LHC's criteria for granting requests, will be included in each notice to residents of changes in utility allowances or surcharges as well as to new residents as part of the lease orientation.

Chapter 11: Community Service

Definitions

Exempt Individual [24 CFR 960.601(b), Notice PIH 2015-12] pg. 11-2

Proposed Changes to LHC Policy: the supplemental nutrition assistance program (SNAP) and has not been found by the state or other administering entity to be in noncompliance with such program.

Chapter 12: Transfer Policy

12-I.B. EMERGENCY TRANSFERS pg. 12-1

Proposed Changes to LHC Policy: The VAWA 2013 final rule requires LHC to adopt an emergency transfer plan for victims of domestic violence, dating violence, sexual assault, or stalking.

Proposed Changes to LHC Policy: A verified incident of domestic violence, dating violence, sexual assault, or stalking. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may be established through documentation outlined in section 16-VII.D. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP), although, LHC may waive this requirement in order to expedite the transfer process.

Proposed Changes to LHC Policy:

LHC will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, or stalking. LHC will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. LHC defines *immediately available* as a vacant unit, that is ready for move-in within a reasonable period of time, not to exceed **30 days**. If an internal transfer to a safe unit is

not immediately available, LHC will assist the resident in seeking an external emergency transfer either within or outside LHC's programs.

LHC has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan.

Proposed Changes to LHC Policy:

If the emergency transfer is necessary to protect a victim of domestic violence, dating violence, sexual assault, or stalking, LHC will follow procedures outlined in Exhibit 16-4.

12-III.C. ELIGIBILITY FOR TRANSFER pg. 12-8

Current LHC Policy:

LHC will not transfer a resident from one unit to another unless it is an approved reasonable accommodation or to correct over or under-housed residents.

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to LHC determines a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, or stalking and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP.

Proposed Changes to LHC Policy:

Except where reasonable accommodation is being requested, LHC will only consider transfer requests from residents that meet the following requirements:

- Have not engaged in criminal activity that threatens the health and safety of residents and staff

- Owe no back rent or other charges, or have a pattern of late payment

- Have no housekeeping lease violations or history of damaging property

- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to LHC's advantage to make the transfer.

Exceptions will also be made when LHC determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking, and who provides documentation of abuse in accordance with section 16-VII.D of this ACOP. Tenants who are not in good standing may still request an emergency transfer under VAWA.

If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

12-III.F. HANDLING OF REQUESTS pg. 12-9

Proposed Changes to LHC Policy:

In order to request the emergency transfer under VAWA, the resident will be required to submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP). LHC may, on a case-by-case basis, waive this requirement and accept a verbal request in order to expedite the transfer process. If LHC accepts an individual's statement, LHC will document acceptance of the statement in the individual's file in accordance with 16-VII.D. of this ACOP. Transfer requests under VAWA will be processed in accordance with LHC's Emergency Transfer Plan (Exhibit 16-3). In case of a reasonable accommodation transfer, LHC will encourage the resident to make the request in writing using a reasonable accommodation request form. However, LHC will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Chapter 13: Terminations

Current LHC Policy: 13-III.F. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING Limits on VAWA Protections [24 CFR 5.2005(d) and (e), FR Notice 8/6/13]] pg. 13-15

including but not limited to transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat" [24 CFR 5.2005(d)(3)]. Additionally, HUD regulations state that restrictions "predicated on public safety cannot be based on stereotypes but must be tailored to particularized concerns about individual residents" [24 CFR 5.2005(d)(3)].

Proposed Changes to LHC Policy: While VAWA prohibits a PHA from using domestic violence, dating violence, sexual assault, or stalking as the cause for a termination or eviction action against a public housing tenant who is the victim of the abuse, the protections it provides are not absolute. Specifically:

- VAWA does not limit a PHA's otherwise available authority to terminate assistance to or evict a victim for lease violations not premised on an act of domestic violence, dating violence, sexual assault, or stalking providing that the PHA does not subject the victim to a more demanding standard than the standard to which it holds other tenants.
- VAWA does not limit a PHA's authority to terminate the tenancy of any public housing tenant if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated.

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. 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
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

In order to demonstrate an actual and imminent threat, the PHA must have objective evidence of words, gestures, actions, or other indicators. Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat, including but not limited to transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat" [24 CFR 5.2005(d)(3)]. Additionally, HUD regulations state that restrictions "predicated on public safety cannot be based on stereotypes but must be tailored to particularized concerns about individual residents" [24 CFR 5.2005(d)(3)].

LHC Policy

In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, LHC will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within an immediate time frame

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to

another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the tenant wishes to contest LHC's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Terminating or Evicting a Perpetrator of Domestic Violence pg. 13-18

Proposed Changes to LHC Policy: The PHA must not initiate eviction procedures until 30 days after the lease bifurcation [Notice PIH 2017-08].

Chapter 14: Grievance Policy:

Proposed Changes to LHC Policy: Tenant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the PHA may request documentation of the "good cause" prior to rescheduling the hearing.

Chapter 15: Program Integrity

Current LHC Policy: PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE pg. 15-1

15-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

Resident Counseling. LHC will routinely provide Resident counseling as a part of every re-certification interview in order to clarify any confusion pertaining to program rules and requirements.

Proposed Changes to LHC Policy change:

Resident Counseling. LHC will provide the opportunity for Resident counseling on rules and regulations as a part of every re-certification interview if requested by the resident

Chapter 16: Program Administration

PART V: RECORD KEEPING 16-V.B. RECORD RETENTION Pg. 16-13

Proposed Changes to LHC Policy: Notice PIH 2014-20 requires the PHA to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

The PHA must keep confidential records of all emergency transfer requested under the PHA's Emergency Transfer Plan, and the outcomes of such requests, and retain the records for a period of three years, or for a period of time as specific in program regulations [24 CFR 5.2002(e)(12)].

PART VII: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY 16-VII.B. DEFINITIONS [24 CFR 5.2003] Pg 16-19

Proposed Changes to LHC Policy: The term *affiliated individual* means, with respect to a person:

- A spouse, parent, brother or sister, or child of that individual, or an individual to whom that person stands in the position or place of a parent; or
- Any individual, tenant or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.

Proposed Changes to LHC Policy: The term *sexual assault* means:

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

Notification to Applicants and Tenants [24 CFR 5.2005(a)(1)] pg 16-21

Proposed Changes to LHC Policy: The PHA must distribute a notice of VAWA rights, along with the VAWA self-certification form (HUD-5382) at each of these three junctures.

Proposed Changes to LHC Policy: or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, the PHA may decide not to send mail regarding VAWA protections to the victim's unit if the PHA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, the PHA will take reasonable precautions to ensure that no one can overhear the conversation such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

Conflicting Documentation [24 CFR 5.2007(e)] pg. 16-24

The PHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to the PHA

Individuals have 30 calendar days to return third-party verification to the PHA. If the PHA does not receive third-party documentation, and the PHA will deny or terminate assistance as a result, the PHA must hold separate hearings for the tenants [Notice PIH 2017-08].

Current LHC policy:

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, the LHC will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

Proposed Changes to LHC Policy:

If presented with conflicting certification documents from members of the same household, LHC will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made. When requesting third-party documents, LHC will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If LHC does not receive third-party documentation within the required timeframe (and any extensions) LHC will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, LHC will hold separate hearings for the applicants or tenants.

Lansing Housing Commission (LHC)

Notice of Occupancy Rights under the Violence Against Women Act¹

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Low Income Public Housing (LIPH) and Housing Choice Voucher (HCV)** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

Protections for Applicants

If you otherwise qualify for assistance under **Low Income Public Housing (LIPH) and Housing Choice Voucher (HCV)**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

If you are receiving assistance under **Low Income Public Housing (LIPH) and Housing Choice Voucher (HCV)**, you may not be denied assistance, terminated from participation, or be

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

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **Low Income Public Housing (LIPH) and Housing Choice Voucher (HCV)** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

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

Removing the Abuser or Perpetrator from the Household

LHC may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If LHC chooses to remove the abuser or perpetrator, LHC may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, LHC must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, LHC must follow Federal, State, and local eviction procedures. In order to divide a lease, LHC may, but is not required to, ask you

for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, LHC may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, LHC may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

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

LHC 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.

LHC's emergency transfer plan provides further information on emergency transfers, and LHC must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

LHC can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from LHC must be in writing, and LHC must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. LHC may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to LHC as documentation. It is your choice which of the following to submit if LHC asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by LHC with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that LHC has agreed to accept.

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

If LHC receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), LHC has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, LHC does not have to provide you with the protections contained in this notice.

Confidentiality

LHC must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

LHC must not allow any individual administering assistance or other services on behalf of LHC (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

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

- You give written permission to LHC to release the information on a time limited basis.
- LHC needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires LHC or your landlord to release the information.

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

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted, and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, LHC cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted, and your assistance terminated, if LHC can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If LHC can demonstrate the above, LHC should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to

additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider's violation of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **the HCV Supervisor or Director of Asset Management.**

For Additional Information

You may view a copy of HUD's final VAWA rule at **[insert Federal Register link]**.

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

For questions regarding VAWA, please contact **Site Managers or HCV**

Coordinator/Specialist.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **Eve at 517-372-5572.**

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact **Eve at 517-372-5572.**

Victims of stalking seeking help may contact **Eve at 517-372-5572.**

Attachment: Certification form HUD-5382 form.

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

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

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

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

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

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

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

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

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: _____

2. Name of victim: _____

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

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

5. Residence of victim: _____

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

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

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.



419 Cherry St. Lansing, MI 48933 Telephone: (517) 487-6550 Fax: (517) 487-6977

Lansing Housing Commission
2009-07
Smoke Free Property Policy

Effective July 1, 2011 smoking is prohibited in all property owned and operated by the Lansing Housing Commission (“LHC”). The smoking ban is intended to improve the quality of air and the safety of residents and employees. Implementation of a Smoke free policy is encouraged by the U. S. Department of Housing and Urban Development and it is consistent with their program goals and objectives. There are No exceptions to this policy. Smoking is only permitted in specifically designated outside areas.

1. No person may use, smoke, hold or carry lighted tobacco in any form, including cigarettes, pipes, cigars, or smokeless tobacco apparatuses while in a LHC owned property. Effective on July 1, 2011, all current residents, all employees, all guests and all new residents will be prohibited from smoking anywhere inside of any LHC owned or operated property, including but not limited to rental units, vehicles, lobbies, restrooms, hallways, reception areas and any common areas.
2. Smoking outside of LHC owned buildings shall be permitted only in designated smoking areas, which shall be at least 25 feet from a door, walkway, window or ventilation system. In addition, smoking areas shall be located sufficient distances from the buildings and sideways so that secondhand tobacco smoke does not enter the buildings and to ensure residents and guests can avoid walking through secondhand tobacco smoke to enter or leave LHC owned properties.
3. Persons who smoke in designated smoking areas are responsible for properly disposing of cigarette butts or other tobacco products so as not to litter the grounds.
4. Employees and residents who smell tobacco smoke from inside LHC owned buildings are to report this to the office as soon as possible. LHC’s Management staff will identify the source of the smoke and take appropriate action when deemed necessary.
5. Existing Residents will receive a copy of this smoke free policy and are required to sign lease modifications reflective of the smoke free policy before July 1, 2011. New residents who sign leases effective after July 1, 2011 will be given copies of the smoke free policy and their lease will reflect this policy.

6. LHC will post signage to clearly designate smoking and non-smoking areas.

LHC staff is responsible for fully implementing this policy, which includes taking steps to insure 100% of the existing residents, and employees are aware of and abide by the policy. Failure to abide by this smoke free policy is considered a lease violation. Employees are covered by the Smoke Free Work Place policy 2009-07.

TENANT CERTIFICATION

I have read and understand the above smoking policy and I agree to comply fully with the provisions. I understand that failure to comply may constitute reason for termination of my lease.

Resident Signature: _____

Apartment Number: _____ **Date:** _____