

5-Year PHA Plan (for All PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 03/31/2024
---	---	--

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

A.	PHA Information.																																
A.1	<p>PHA Name: <u>Hawaii Public Housing Authority</u> PHA Code: <u>HI001</u></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2024</u> The Five-Year Period of the Plan (i.e., 2019-2023): <u>2025-2029</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p>Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p>The 5-Year PHA Plan and all supporting documents are available online at: http://www.hpha.hawaii.gov/housingplans/index.htm</p> <p>Hard copies of the 5-Year PHA Plan will be made available at all Asset Management Project (AMP) offices. Please see Attachment A for the office address of each AMP.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below.)</p> <table border="1" data-bbox="224 1115 1456 1329"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
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.	Plan Elements. Required for <u>all</u> PHAs completing this form.
B.1	<p>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.</p> <p>The Hawaii Public Housing Authority (HPHA) is committed to providing decent and safe affordable housing for eligible low-income families, the elderly, and persons with disabilities.</p>
B.2	<p>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.</p> <div style="background-color: #4CAF50; color: white; padding: 5px; text-align: center; margin-top: 10px;"> Goal 1: Increase the Availability and Accessibility of Housing Assistance </div> <p>Description The HPHA will look to provide more low-income families with the housing assistance they need through the programs and services it already operates. Despite the ever-present concern of federal funding shortfalls, the HPHA must ensure it operates efficiently and cost-effectively in order to accomplish this goal. Increasing the accessibility of affordable housing assistance includes the removal of barriers to access and ensuring equitable outcomes for vulnerable groups.</p> <p>Objective 1.a. Maximize the amount of assistance the agency can provide with the resources currently available to it.</p> <p style="margin-left: 40px;">Target 1.a.i. Achieve and maintain a public housing occupancy rate of 98%.</p> <p style="margin-left: 80px;"><i>Year of Completion:</i> Annually <i>Sponsoring Office(s):</i> PMMSB</p> <p style="margin-left: 40px;">Target 1.a.ii. Reduce and maintain an average public housing unit turnaround time of 20 days or less.</p> <p style="margin-left: 80px;"><i>Year of Completion:</i> Annually <i>Sponsoring Office(s):</i> PMMSB</p> <p style="margin-left: 40px;">Target 1.a.iii. Achieve and maintain an HCV annual budget authority utilization rate of 95% or greater.</p> <p style="margin-left: 80px;"><i>Year of Completion:</i> Annually <i>Sponsoring Office(s):</i> S8</p> <p>Objective 1.b. Provide targeted assistance to families to families at or below 30% of the applicable area median income (AMI) within each county.</p> <p style="margin-left: 40px;">Target 1.b.i. Exceed federal targeting requirements for families at or below 30% of AMI in the public housing program (i.e., greater than 40% of families admitted).</p> <p style="margin-left: 80px;"><i>Year of Completion:</i> Annually <i>Sponsoring Office(s):</i> PMMSB</p>

Target 1.b.ii. Achieve and maintain a “high performer” Section Eight Assessment Program (SEMAP) rating (i.e., no less than 97 points).

Year of Completion: Annually

Sponsoring Office(s): S8

Goal 2: Improve the Quality of Existing Housing Programs

Description The HPHA will improve the quality of each program and service it administers. Streamlining procedures and fixing inefficiencies benefit staff and program participants alike. Performing regular reviews of existing procedures, identifying and addressing bottlenecks, measuring results, and gathering constructive feedback from the people we serve all helps to ensure the HPHA is adhering to its mission and that its efforts are having the desired impact.

Objective 2.a. Meet or exceed HUD’s standards for overall program performance.

Target 2.a.i. Achieve and maintain a “high performer” Public Housing Assessment System (PHAS) rating (i.e., no less than 90 points).

Year of Completion: Annually

Sponsoring Office(s): PMMSB

Target 2.a.ii. Achieve and maintain a “high performer” Section Eight Assessment Program (SEMAP) rating (i.e., no less than 97 points).

Year of Completion: Annually

Sponsoring Office(s): S8

Objective 2.b. Improve living environments and quality of life for public housing participants.

Objective 2.c. Improve general administrative proficiency and reduce administrative burden.

Target 2.c.i. Digitize all HCV and Public Housing tenant files.

Year of Completion: FY 2027

Sponsoring Office(s): S8 and PMMSB

Target 2.c.ii. Create an online portal for HCV tenants to submit documents.

Year of Completion: FY 2029

Sponsoring Office(s): S8

Target 2.c.iii. Acquire a new software vendor for purchasing and inventory management.

Year of Completion: FY 2026

Sponsoring Office(s): CPO

Target 2.c.iv. Align policies with the Admissions and Continued Occupancy Policy (ACOP) with Chapter 17-2028, Hawaii Administrative Rules (HAR). Adopt Chapter 17-2028, HAR, as the agency's official ACOP.

Year of Completion: FY 2026

Sponsoring Office(s): PMMSB, PEO

Target 2.c.v. Align policies within the HCV Administrative Plan with Chapter 17-2031, HAR. Adopt Chapter 17-2031, HAR, as the agency's official HCV Administrative Plan.

Year of Completion: FY 2026

Sponsoring Office(s): S8, PEO

Objective 2.d. Increase customer satisfaction for program participants and landlords.

Goal 3: Promote Greater Economic Self-Sufficiency for Program Participants

Description The HPHA aims to provide its program participants with the tools and resources they need to achieve their personal financial goals. Through an offering of support services, employment training and placement, and financial literacy education, the HPHA hopes to help low-income families and individuals break the cycle of poverty.

Objective 3.a. Increase access to employment opportunities for program participants.

Target 3.a.i. Draft a Section 3 Plan which will describe how the HPHA will comply with its Section 3 obligations.

Year of Completion: FY 2027

Sponsoring Office(s): PEO

Target 3.a.ii. Establish a Section 3 Registry for businesses to recruit program participants for employment opportunities.

Year of Completion: FY 2029

Sponsoring Office(s): PMMSB, CPO

Target 3.a.iii. Develop an internal system to track and evaluate Section 3 efforts and results.

Year of Completion: FY 2029

Sponsoring Office(s): PMMSB, CMB

Objective 3.b. Explore partnerships with other state/local agencies and community-based organizations to provide additional services and/or housing assistance.

Target 3.b.i. Establish and administer a Workforce Training Pilot Program

Year of Completion: FY 2027

Sponsoring Office(s): PEO

Goal 4: Develop and Increase Affordable Housing Opportunities

Description The State of Hawaii continues to face a severe affordable housing crisis. With thousands of people struggling to remain housed, the HPHA can help to address this problem by expanding its housing portfolio and the amount of assistance it can provide. The HPHA will accomplish this goal by constructing new affordable units, rehabilitating obsolete properties, and applying for other funding sources.

Objective 4.a. Increase the number of affordable housing units statewide by pursuing opportunities for public-private partnerships and mixed-finance redevelopment, where feasible.

Target 4.a.i. Assess the property value of all housing projects and vacant parcels within the HPHA's inventory.

Year of Completion: FY 2026

Sponsoring Office(s): CPO, DEV

Objective 4.b. Explore opportunities to utilize the Rental Assistance Demonstration (RAD) program, where feasible.

Objective 4.c. Explore opportunities to project-base HCV assistance at state-owned public housing projects, HPHA owned or privately owned development projects, demonstration projects.

Objective 4.d. Apply for additional tenant-based rental assistance and competitive grant funding as opportunities arise and if the administrative capacity exists.

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.

Goal 1: Increase the Availability and Accessibility of Housing Assistance

Description The HPHA will look to provide more low-income families with the housing assistance they need through the programs and services it already operates. Despite the ever-present concern of federal funding shortfalls, the HPHA must ensure it operates efficiently and cost-effectively in order to accomplish this goal. Increasing the accessibility of affordable housing assistance includes the removal of barriers to access and ensuring equitable outcomes for vulnerable groups.

Objective 1.a. Maximize the amount of assistance the agency can provide with the resources currently available to it.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA assisted 846 families through a “lease in place” preference meant to eliminate the need for applicants to risk COVID-19 exposure when searching for housing. After establishing Emergency Administrative Rules, Housing Choice Vouchers were provided to eligible applicants who were already in an existing lease agreement.

Objective 1.c. Overcome barriers to fair housing within HPHA programs and services.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA’s Compliance Office worked with the EMG Corporation to address barriers to accessibility at HPHA properties. Site assessments for mobility and visual/hearing accessibility were completed at all federal and state public housing properties, management offices, and administrative offices. The Title II Transition Plan was approved by the HPHA Board of Directors in October 2019. Trainings on ADA-compliance standards were provided to all HPHA staff.
- The HPHA completed the construction/rehabilitation of 44 units for mobility-impaired households and 17 units for sensory-impaired households. As of June 30, 2024, the HPHA’s public housing inventory includes 382 accessible units (8.73%) for mobility-impaired households and 195 accessible units (4.46%) for sensory-impaired households.

Goal 2: Improve the Quality of Existing Housing Programs

Description The HPHA will improve the quality of each program and service it administers. Streamlining procedures and fixing inefficiencies benefit staff and program participants alike. Performing regular reviews of existing procedures, identifying and addressing bottlenecks, measuring results, and gathering constructive feedback from the people we serve all helps to ensure the HPHA is adhering to its mission and that its efforts are having the desired impact.

Objective 2.b. Improve living environments and quality of life for public housing participants.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA established a multi-skilled worker program to promptly repair and maintain public housing dwelling units. This program allows the HPHA to address damaged, vacant units quicker and more efficiently.
- The HPHA adopted revised Administrative Rules to prohibit smoking at all public housing properties. All tenants are now provided a revised lease addendum which outlines the agency’s “No Smoking” enforcement.
- The HPHA completed lead risk assessments, with XFR testing, at all public housing properties built before 1978. Work to remove and encapsulate all lead paint hazards is ongoing. In 2022, the HPHA drafted Lead Based Paint Hazards Plan which contains internal guidance and procedures for staff to follow upon the discovery of a lead paint hazard.

Objective 2.c. Improve general administrative proficiency and reduce administrative burden.

During FYs 20-24, the HPHA accomplished the following:

- HPHA staff are now utilizing mobile electronic technologies when conducting pre-inspections prior to REAC.

Objective 2.d. Increase customer satisfaction for program participants and landlords.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA implemented an online HCV application and waitlist portal. The portal allows applicants to check on the status of their applications and update personal information electronically.
- The HPHA implemented online banking services to allow public housing residents to pay their rent electronically.
- The HPHA adopted a policy to pay HCV landlords via electronic deposit into their bank accounts.
- The HPHA established a state-funded “landlord incentive program” that provided a \$500 gift card to assist landlords with addressing non-life-threatening Housing Quality Standard inspection deficiencies.

Misc. Other Accomplishments and Progress.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA administered the Aloha Cares Emergency Feeding Program (ACEFP). This purpose of this program was to prevent the spread of COVID-19 at public housing properties by providing meals and access to food to public housing households affected by the pandemic. From July to October 2020, the ACEFP served approximately 500,000 meals to elderly, disabled, and infected households.
- On January 27, 2022, the HPHA received an award letter from HUD notifying the agency of its selection as an MTW expansion agency as part of the Landlord Incentives Cohort. On August 24, 2022, the HPHA’s MTW ACC Amendment was fully executed by HUD.

Goal 3: Promote Greater Economic Self-Sufficiency for Program Participants

Description The HPHA aims to provide its program participants with the tools and resources they need to achieve their personal financial goals. Through an offering of support services, employment training and placement, and financial literacy education, the HPHA hopes to help low-income families and individuals break the cycle of poverty.

Objective 3.a. Increase access to employment opportunities for program participants.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA maintained a Tenant Hire Program which allows residents to apply for designated positions within the agency. Program participants obtain on-the-job training, acquire new skill sets pertinent to office work, and are able to apply for other state civil service positions.

Objective 3.b. Explore partnerships with other state/local agencies and community-based organizations to provide additional services and/or housing assistance.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA entered into a Memorandum of Agreement with the State Department of Human Services, Child Welfare Services Branch to administer Foster Youth to Independence Vouchers.
- The HPHA established an agreement with the State Department of Human Services which allows HPHA staff to access and verify welfare information in order to reduce incidents of fraud.
- The HPHA collaborated with the State Department of Health, State Executive Office on Aging, City and County of Honolulu Department of Community Services Elderly Affairs Division, American Association of Retired Persons (AARP), Hawaii Public Health Institute, Project Vision, Hawaii Pacific Health Medical Group, Kaiser Permanente, Queens Medical Center, 5 Minute Pharmacy, Pharmicare, Times Pharmacy, Papa Ola Lokahi, Kamehameha Schools, and other non-profit health groups to conduct safe and convenient COVID-19 vaccination and booster shot clinics at public housing properties. Approximately 4,000 vaccinations and booster shots were administered.

Goal 4: Develop and Increase Affordable Housing Opportunities

Description The State of Hawaii continues to face a severe affordable housing crisis. With thousands of people struggling to remain housed, the HPHA can help to address this problem by expanding its housing portfolio and the amount of assistance it can provide. The HPHA will accomplish this goal by constructing new affordable units, rehabilitating obsolete properties, and applying for other funding sources.

Ka Lei Momi Project In January 2023, the HPHA issued a request for qualifications (RFQ) for a master developer to take a lead role in transforming a portion of its federal public housing portfolio. The RFQ identified nine project sites which the HPHA hopes to redevelop into mixed-income, mixed-use communities that increase the State's overall affordable housing stock. With the Ka Lei Momi Project, the HPHA has set a goal of delivering an additional 10,000 housing units. This includes a one-for-one replacement of all public housing units. The Ka Lei Momi redevelopment is expected to be completed in multiple phases, roughly two years each, over the course of 10 years. This timeline is contingent upon permit approvals, market forces, and the availability of funding and adequate financing.

In July 2023, the HPHA selected Highridge Costa Development Co. as the master developer for the project. The HPHA, in partnership with Highridge Costa, will explore the utilization of different repositioning and conversion tools in order to pursue the mixed-finance redevelopment of each property. The HPHA intends to utilize project-based vouchers at each redevelopment site to ensure greater housing affordability.

The HPHA is prioritizing the development of Mayor Wright Homes (AMP 32, 364 units), Kapaa (AMP 38, 36 units), and Lanakila Homes (AMP 37). For these three projects, the HPHA plans to submit an application for Low-Income Housing Tax Credits (LIHTC) and Hula Mae Bond financing with the Hawaii Housing Finance Development Corporation (HHFDC). The HPHA will aim to begin construction in FY 25.

**Mayor Wright
Homes**

AMP 32

Project 1003

The HPHA issued a Request for Qualifications (RFQ) on July 11, 2014 for a developer/partner to compete a mixed-income, mixed-use redevelopment project at Mayor Wright Homes. MWH Partners, LLC was selected as the Master Developer team leader, and a Predevelopment Agreement was executed on March 24, 2016. The Predevelopment Agreement terminated upon the execution of a fully negotiated Master Development Agreement (MDA) with MWH Partners, LLC on December 29, 2017.

Preparation of an Environmental Impact Statement (EIS) was required pursuant to Chapter 343, Hawai'i Revised Statutes (HRS), and Chapter 200, Title 11, Hawaii Administrative Rules (HAR). The HPHA submitted the EIS to the State Office of Environmental Quality Control (OEQC) on August 28, 2017. The EIS was accepted by Governor David Y. Ige on April 24, 2018. A Request for Release of Funds and Certification (HUD Form 7015.15) was signed by Governor Ige on June 19, 2020.

A Draft Environmental Assessment (DEA) was also required under 24 CFR Part 58, National Environmental Protection Act ("NEPA"). The DEA was subsequently prepared and resulted in an initial finding of "No Significant Impact." The DEA was signed by Governor Ige on February 3, 2020. A Final Environmental Assessment (FEA) and Notice of Intent to Request Release of Funds was submitted to the OEQC on April 30, 2020, and published in the OEQC's The Environmental Notice on May 8, 2020.

Due to a lack of meaningful progress with respect to the redevelopment plan of Mayor Wright Homes, and the developer's failure to meet certain major milestones, the HPHA's Board of Directors unanimously voted to terminate the MDA with MWH Partners, LLC for convenience on July 20, 2020.

The HPHA worked with an architectural firm to complete potential gross massing designs for the project based on the existing Master Plan. The gross massing design will inform the final 201H-38 zoning and entitlement application.

See also: *The Ka Lei Momi Project*.

**Kuhio Homes
and Kuhio Park
Terrace Low
Rises**

AMP 40

**Projects 1007
and 1010**

In 2011, the HPHA entered into a Master Development Agreement with The Michael's Organization (TMO) with the objective of undertaking a comprehensive revitalization the Kuhio Park neighborhood, a 22-acre community with a high concentration of public housing located in the Kalihi area of O`ahu, just west of downtown Honolulu. The Kuhio Park neighborhood is a primarily residential community of over 700 low-income public housing units that includes the Towers at Kuhio Park, Kuhio Park Terrace Low-Rises and Kuhio Homes.

In 2012, the HPHA received a \$300,000 Choice Neighborhoods Initiative (CNI) planning grant, which resulted in a comprehensive Transformation Plan. The HPHA received input from community members, key stakeholders, and its development partners on how best to revitalize the Kuhio Park Terrace, Kuhio Homes, Kuhio Park Terrace Low-Rise, the broader Kalihi neighborhood.

Execution of the Transformation Plan has been staged in two main phases. In 2014, The HPHA and TMO completed the first phase of the redevelopment plan with the revitalization of Kuhio Park Terrace Towers, an existing federally funded public housing rental development consisting of two 16-story towers (Towers). The Towers were originally constructed from 1963 to 1965 and occupy an approximately 11.9-acre site located at 1475 Linapuni Street. The \$135 million revitalization of the Towers included major capital repairs and upgrades. The HPHA utilized a combination of private funds, LIHTC, and Hula Mae Bond financing under HUD's Mixed-Finance program.

On June 25, 2020, the HPHA Board of Directors approved a Restated and Amended Master Development Agreement with the Michaels Development Group to undertake Phase II of the Transformation Plan which will address the redevelopment at the Kuhio Low-Rises and Kuhio Homes. Consistent with the Transformation Plan, the existing 174 public housing units will be demolished and replaced by up to 650 units. Phase II includes the one-for-one replacement of all existing public housing units, to be contained in 4-, 6-, and 8-story buildings, and one 16-story building, with a mix of 1-, 2-, 3-, 4-, and some 5-bedroom configurations. Contracts have been finalized and executed. The primary consulting team included a project architect, planner, and civil engineer.

The HPHA anticipates construction will commence on Phase 1 of the redevelopment of the Kuhio Low-Rises and Kuhio Homes in FY 25. The City & County of Honolulu (City) has approved the HPHA's land-use entitlements and a financing application has been submitted to HHFDC. A draft relocation plan and Section 18 has been prepared in consultation with potentially impacted residents. The development team is also coordinating with the Governor's Office in finalizing the environmental assessment needed to comply with the historical preservation requirements set forth under Section 106 of the National Historic Preservation Act (NEPA). In August 2023, building permit plans were submitted by the project architect to the City Department of Planning and Permitting. In October 2023, the project was awarded \$92.9 million in private activity bonds from the City. The HPHA aims to be ready for financial closing and receive HHFDC financing approval, all building permit approvals, NEPA EA acceptance, and Section 18 approval prior to July 1, 2024.

See also: *The Ka Lei Momi Project*.

Lanakila Homes

On October 8, 2020, the HPHA was informed by the OPSD that its Lanakila project on the Island of Hawai'i had been awarded a TOD Planning Grant in the amount of \$550,000.

AMP 37

Project 1014

The Planning Grant provides funding for a new master plan for the site to address updated site conditions and streets that will need to be constructed to recently revised County of Hawai'i Standards. The new master plan will also examine how additional density could deliver additional affordable housing units to the community, the appropriate demographic mix of those units and determine what infrastructure may be required to support them.

Additionally, as the County of Hawai'i moves forward with its Complete Streets and a multi-modal transportation system, it is important to create adjacent streetscapes that provides "first and last mile" walking and bicycling opportunities. This can facilitate ease of access to future nearby bus facilities along Moho'uli and Kino'ole Streets. Improvements may include sidewalk infill, installation of bike lanes, curb extensions, safe crossings, and potential bus stops.

See also: *The Ka Lei Momi Project*.

Kahekili Terrace

On September 15, 2021, the HPHA was informed by the OPSD that its Kahekili Terrace property has been awarded a CIP TOD Planning Grant in the amount of \$225,000 to develop a preliminary redevelopment master plan. The project has been included in the State Strategic Plan for Transit-Oriented Development and the HPHA will use these funds to prepare a preliminary master development plan for the 3.9-acre parcel which is currently occupied by ten two- and three-story buildings providing approximately 60 units. The property is located within Maui County's Wailuku Redevelopment Area and the preliminary master plan will identify redevelopment opportunities that would result in additional affordable housing units onsite, streetscape and multi-modal transportation improvements to enhance connectivity with the Wailuku Redevelopment Area and Wailuku Market Street corridor. The Project area includes an area with contaminated soils, which will also be studied.

AMP 39

Project 1017

See also: *The Ka Lei Momi Project*.

**Puuwai Momi
AMP 30
Project 1026**

The HPHA is exploring a potential mixed-use, mixed-income redevelopment of its Puuwai Momi property, an aging, 260-unit, public housing community located in Halawa, Hawaii on the island of Oahu. The site is comprised of three land parcels totaling 11.74 acres and is considered an especially attractive redevelopment candidate due to the higher site density available under the City and County of Honolulu's Halawa Area TOD Plan, adopted in December 2020. The project is immediately south of the Aloha Stadium HART light rail station and in close proximity to the redevelopment of Aloha Stadium, which includes a new sports stadium surrounded by entertainment venues, retail, restaurants, residential, hotels, recreational and green space areas. The HPHA has participated in several meetings with the state Department of Accounting and General Services and the Stadium Authority to discuss potential coordination of these projects.

On September 15, 2021, the State of Hawaii Office of Planning and Sustainable Development (OPSD) notified the HPHA that it had awarded the Pu'uwai Momi Project a \$400,000 TOD Planning Grant. The Planning Grant, which was awarded through a competitive application process, will be utilized to develop a preliminary Master Plan to guide the redevelopment process. The Pu'uwai Momi redevelopment project will be included in the State Strategic Plan for Transit-Oriented Development by the State TOD Council.

See also: *The Ka Lei Momi Project*.

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.

To better serve the needs of child and adult victims, the HPHA:

- Regularly issues reminders to all program participants about the protections available to them under VAWA;
- Maintains communication with domestic violence service providers to whom victims can be referred to;
- Established an admissions preference for victims of domestic violence, dating violence, sexual assault, or stalking for both the Public Housing and HCV Programs; and
- Requires a VAWA Information and Acknowledgement Form to be signed by all household upon their admission into the HCV/public housing program and at every recertification.

The HPHA has taken the following steps to ensure its full compliance with VAWA:

- Adopted a comprehensive Administrative Policy which establishes VAWA-compliant operational guidelines; required staff trainings, and specific response procedures when instances of domestic violence, dating violence, stalking, or sexual assault are reported;
- Amended the Admissions and Continued Occupancy Policy to align the Low-Income Public Housing Program's Fair Housing Policy with VAWA regulations; and
- Amended the Administrative Plan to align all HCV policies and procedures with VAWA regulations.

Please also see **Attachment B: VAWA Administrative Policy**.

C.	<p>Other Document and/or Certification Requirements.</p> <p>C.1 Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p><u>Substantial Deviation</u></p> <p>The Quality Housing and Work Responsibility Act of 1998 requires that the HPHA explain any substantial deviation from the 5-Year PHA Plan in its Annual PHA Plans. A “substantial deviation” may include, but is not limited to:</p> <ul style="list-style-type: none"> • A change to a goal or objective identified in the 5-Year PHA Plan or a subsequent Annual PHA Plan that is substantial but does not rise to the level of a “significant amendment;” • A formal decision by the HPHA not to pursue a stated goal or objective; • The substitution of a different set of activities to achieve a stated goal or objective; • Administrative or programmatic changes resulting from the loss of adequate funding for a program; or • The reallocation of funding to sustain a program. <p>The definition of a “substantial deviation” excludes:</p> <ul style="list-style-type: none"> • Amendments to the Hawaii Administrative Rules, the Admissions and Continued Occupancy Policy, or the Administrative Plan for the purposes of including federally-mandated or non-discretionary changes to policy or as a result of the agency’s application for competitive grant opportunities; • The elimination of a policy where a more stringent one exists or where two policies may appear to conflict and one is eliminated to avoid confusion. <p>As part of the Rental Assistance Demonstration (RAD), Section 18 Disposition process, and the Section 22 Streamlined Voluntary Conversion process, the definition of a substantial deviation excludes the following items specific to the RAD, Section 18, and Section 22 programs:</p> <ul style="list-style-type: none"> • Changes to the Operating Fund or Capital Fund Budget produced as a result of each approved RAD, Section 18, or Section 22 conversion, regardless of whether the proposed conversion will include use of additional Operating or Capital Funds; • Changes to the Relocation Plan and processes for each approved, RAD, Section 18, Section 22 conversion; • Changes to the construction and rehabilitation plan for each approved RAD, Section 18, or Section 22 conversion; • Changes to the financing structure for each approved RAD, Section 18, Section 22 conversion; • The decision to convert to either Project-Based Rental Assistance or Project-Based Voucher Assistance; and • Changes to a RAD, RAD/Section 18 blend, Section 18 Demolition and/or Disposition, or Section 22 Streamlined Voluntary Conversion Plan and/or application for such program(s) for units identified in an approved Plan. <p><u>Significant Amendment/Modification</u></p> <p>The HPHA will amend or modify its 5-Year PHA Plan and/or Annual PHA Plan upon the occurrence of any of the following events during the first nine months of the term of an approved Plan:</p> <ul style="list-style-type: none"> • A federal statutory or regulatory change is made effective and, in the opinion of the HPHA, has either substantial programmatic or financial effects on the programs administered by the HPHA, or administrative burdens beyond the programs under administration at the start of the Plan year; • Proposed demolition, disposition, homeownership, Capital Fund Financing, development, or mixed-finance proposals not already identified in an approved Plan and those that are considered by HUD to be significant amendments to the Annual PHA Plan and CFP 5-Year Action Plan; • Any Capital Fund project not already in the 5-Year Action Plan excluding projects arising out of federally declared major disasters, acts of God beyond the control of the HPHA (e.g., earthquakes, fire and storm damages, civil unrest, or other unforeseen significant events), or changes in the use of replacement reserve funds under the Capital Fund in the amount of 20% or more of the annual grant; or • Any other event that the HPHA’s Board of Directors determines to be a significant amendment or modification of the approved Annual PHA Plan.
-----------	---

<p>C.2</p>	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have 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> <p>Please see Attachment C: RAB Comments.</p>
<p>C.3</p>	<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> <p>Please see Attachment D: Certification by State or Local Official.</p>
<p>C.4</p>	<p>Required Submission for HUD FO Review.</p> <p>(a) Did the public challenge any element of the Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, include Challenged Elements.</p> <p>Please see Attachment E: Public Testimony.</p>

D.	Affirmatively Furthering Fair Housing (AFFH).
D.1	<p>Affirmatively Furthering Fair Housing. (Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)</p> <p>Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p>
	<p>Fair Housing Goal:</p>
	<p><i>Describe fair housing strategies and actions to achieve the goal.</i></p>
	<p>Fair Housing Goal:</p>
	<p><i>Describe fair housing strategies and actions to achieve the goal.</i></p>
	<p>Fair Housing Goal:</p>
	<p><i>Describe fair housing strategies and actions to achieve the goal.</i></p>

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

A. PHA Information. All PHAs must complete this section. (24 CFR § 903.4)

A.1 Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **Five-Year Period** that the Plan covers (i.e., 2019-2023), **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. Plan Elements.

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\(b\)\(1\)](#)).

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\(a\)\(3\)](#)).

C. Other Document and/or Certification Requirements.

C.1 **Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH-2012-32, REV 2.

C.2 **Resident Advisory Board (RAB) comments.**

(a) Did the public or RAB have 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\(b\)](#), [24 CFR § 903.19](#))

C.3 **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.

C.4 **Required Submission for HUD FO Review.**

Challenged Elements.

(a) Did the public challenge any elements of the Plan?

(b) If yes, include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

D. Affirmatively Furthering Fair Housing.

(Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)

D.1 **Affirmatively Furthering Fair Housing.** The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) ... Strategies and actions must affirmatively further fair housing ..." Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D.; nevertheless, the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

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 1.64 hours per year per response or 8.2 hours per response every five years, 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.

5-Year PHA Plan for FYs 25 to 29

Attachment A

AMP Office Address List

**Asset Management Project Offices
Address List**

Hardcopies of the Annual PHA Plan shall be made available at the main office of each Asset Management Project (AMP). The address of each AMP main office is listed below:

AMP No. 30
99-132 Kohomua St
Aiea, HI 96701

AMP No. 32 and 33
521 N Kukui St
Honolulu, HI 96817

AMP No. 35
1220 Aala St
Honolulu, HI 96817

AMP No. 38
4726 Malu Rd
Kapaa, HI 96746

AMP No. 40
1532 Linapuni St
Honolulu, HI 96819

AMP No. 43
78-6725 Makolea St
Kailua-Kona, HI 96740

AMP No. 45
45-1027 Kamau Pl, #10E
Kaneohe, HI 96744

AMP No. 49
310 N Cane St
Wahiawa, HI 96786

HPHA Administrative Office
1002 N School St
Honolulu, HI 96817

AMP No. 31
2250 Kalena Dr
Honolulu, HI 96819

AMP No. 34
1545 Kalakaua Ave
Honolulu, HI 96826

AMP No. 37
600 Wailoa St
Hilo, HI 96720

AMP No. 39
2015 Holowai Pl
Wailuku, HI 96793

AMP No. 42
1001 N School St
Honolulu, HI 96817

AMP No. 44
85-172 McArthur St
Waianae, HI 96792

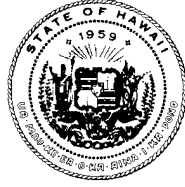
AMP No. 46
65-1191 Opelo Rd
Kamuela, HI 96743

AMP No. 50
2129 Ahe St, #18E
Honolulu, HI 96816

5-Year PHA Plan for FYs 25 to 29

Attachment B

VAWA Administrative Policy



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
Honolulu, Hawaii 96817

IN REPLY PLEASE REFER TO:

ADMINISTRATIVE MEMORANDUM

Programs No. 2.
September 18, 2008,
Amended June 18, 2015
Amended June 14, 2017

Subject: VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

I. PURPOSE & APPLICABILITY

The purpose of this policy (Policy) is to implement the applicable provisions of the Violence Against Women Reauthorization Act of 2013 (Pub. L. 113–4, 127 Stat. 54) (VAWA 2013), and the final rule implementing VAWA 2013 in the U.S. Department of Housing and Urban Development (HUD) housing programs (81 Fed. Reg. 80,724 (Nov. 16, 2016)) (HUD Final Rule). VAWA 2013 reauthorized and amended the Violence Against Women Act of 1994, as amended (Title IV, sec. 40001–40703 of Pub. L. 103–322, 42 U.S.C. 13925 et seq.). This Policy generally sets forth the Hawaii Public Housing Authority’s (HPHA) requirements and procedures regarding domestic violence, dating violence, stalking and sexual assault as hereinafter defined, regardless of sex, gender identity, or sexual orientation.

This Policy shall be applicable to the HPHA’s administration of all its federally subsidized public housing, Section 8 rental assistance programs under the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.), any other HUD-covered housing programs, and owners participating in HUD-covered housing programs administered by the HPHA. Notwithstanding this Policy, owners participating in HPHA HUD-covered housing programs, have an independent obligation to comply with the requirements of VAWA 2013, the HUD Final Rule, and HUD PIH Notice 2017-08, and any other applicable laws and HUD guidance. If the event of a conflict between this Policy and VAWA 2013, the HUD Final Rule, or HUD Notice PIH 2017-08 (HA), the following shall prevail in order of precedence: VAWA 2013, the HUD Final Rule, and HUD PIH Notice 2017-08.

VAWA protections cover tenants and assisted families, as defined under applicable program regulations. VAWA protections also cover applicants when they are applying for admission to a HUD-covered housing program.

This Policy shall be fully integrated into the HPHA's Admissions and Continued Occupancy Policy (ACOP), Section 8 Administrative Plan, and Administrative Rules.

This VAWA Policy is available to the public on the HPHA's website at <http://www.hpha.hawaii.gov/referenceinformation/index.htm> and during normal business hours at the HPHA's Asset Management Project (AMP) offices throughout the State, the HPHA's Section 8 Branch and the Applications Office located at 1002 North School Street, Honolulu, HI 96817.

II. GOALS & OBJECTIVES

This Policy has the following principal goals and objectives:

- A. Maintaining compliance, including training of appropriate staff managing the HPHA public housing and Section 8 Housing Choice Vouchers (which includes tenant-based vouchers and project-based vouchers), with all applicable legal requirements imposed by VAWA;
- B. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, stalking or sexual assault; and
- C. Responding in accordance with HPHA policies and procedures to incidents of domestic violence, dating violence, stalking, or sexual assault affecting individuals assisted by the HPHA.

III. DEFINITIONS

As defined in VAWA 2013, 24 CFR §§ 5.2003 and 5.2005, and as used in this Policy:

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 means, with respect to an 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 or guardian (for*

- example, the affiliated individual is a person in the care, custody, or control of that individual); or
2. Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means dividing a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered housing 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 program consists of the following HUD programs:

- (1) Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
- (2) Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.
- (3) Housing Opportunities for Persons With AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.
- (4) HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.
- (5) 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).
- (6) 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.
- (7) 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.
- (8) 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).
- (9) The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).

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 [24 CFR] 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.

Dating Violence means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such relationship is determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. 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 act 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.

"Lawful Occupant" and "Tenant" are not defined by VAWA 2013. Generally, while the term "lawful occupant" as defined by state law would be applicable in determining whether or not someone would be an affiliated individual, it would not be for lease bifurcations. The term "lawful occupant" for lease bifurcations would be whether or not the person is a lawful occupant (beneficiary or tenant, or recognized member of the household) per the program regulations of the specific HUD program. Therefore, while someone may be a "lawful occupant" under state law, if they are not on the lease or receiving assistance under the HUD program regulations they are not eligible for lease bifurcation. (See HUD Response in HUD Final Rule, 81 Fed. Reg. at 80,739).

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

Safe Unit means a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

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

Spouse or Intimate Partner of a 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. (See Rule Change in HUD Final Rule, 81 Fed. Reg. at 80,739; 24 CFR § 5.2003 (2016)).

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

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

Victim means a tenant or an applicant who is a victim of domestic violence, dating violence, sexual assault, or stalking regardless of whether the act was perpetrated by a tenant living on the property, or whether the act occurred on the property grounds, or, in cases of sexual assault or stalking, whether the tenant knows the perpetrator. (See HUD Response in HUD Final Rule, 81 Fed. Reg. at 80,739; 24 CFR § 5.2003 (2016))

IV. PROHIBITING DISCRIMINATION

VAWA protects applicants, tenants, and program participants in HUD covered housing programs from being denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

Notwithstanding 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.

Reasonable Accommodations

The HPHA will provide reasonable accommodations to its emergency transfer policy for individuals with disabilities.

- Individuals with disabilities may request a reasonable accommodation at any time to any program rules, policies, or practices that may be necessary.
- The HPHA will provide appropriate services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed (e.g., audio, large type, and sign language interpreters).
- The HPHA will ensure that communications and materials are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and their implementing regulations.
- A tenant or participant in HPHA's HUD-covered programs can request VAWA protections based on the grounds that the live-in aide is a victim of domestic violence, dating violence, sexual assault or stalking.

LEP Obligations

Per 24 CFR § 5.2005(a)(3), Forms HUD-5380, *Notice of Occupancy Rights Under the Violence Against Women Act*, and 5382, *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation*, must be made available in multiple languages, consistent with guidance issued by HUD in accordance with Executive Order 13166, signed 8-11-00, and published in the Federal Register on 8-16-00. The HPHA will take reasonable steps to ensure meaningful access to its programs and activities to LEP individuals.

Federal, State, Local Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of VAWA-related crimes. Tenants may be entitled to additional housing protections for victims of VAWA-related crimes under other Federal laws, as well as under State and local laws.

V. DETERMINING ELIGIBILITY

VAWA protections cover tenants, assisted families, and applicants, as defined under applicable program regulations.

Guests, unassisted members, and live-in aides of the family are ineligible for VAWA protections that are available to tenants and participants. In cases where a guest or unassisted member is a victim of domestic violence, dating violence, sexual assault or stalking, a tenant/participant cannot be evicted or have assistance terminated on the basis of the domestic violence, dating violence, sexual assault or stalking of the guest or unassisted member.

For HUD-covered housing programs, if the denial or termination of assistance is required by a federal statute, based on a particular adverse factor, the HPHA must comply with that statute, even if the adverse factor is a direct result of domestic violence, dating violence, sexual assault or stalking (e.g., an applicant or household member who is subject to a lifetime registration requirement under a state sex offender registration program).

It is the responsibility of the applicant or tenant to:

1. Inform the HPHA or owner that they are a victim of domestic violence, dating violence, sexual assault, or stalking; and
2. Provide enough information for the PHA or owner to make a determination regarding the adverse factor they are claiming was a direct result of domestic violence, dating violence, sexual assault, or stalking.

If the HPHA or owner believes any of the information is not clear, it should speak to the victim and try to clarify the information. After the HPHA or owner receives this information from the applicant or tenant, the HPHA or owner should consider the individual's statement and any possible supporting documentation in determining, based on all the circumstances, if an adverse factor was a direct result of domestic violence, dating violence, sexual assault, or stalking.

VI. ADMISSIONS & SCREENING

- A. *In General.* The HPHA will not deny admission to public housing or to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, dating violence, stalking, or sexual assault provided that such person is otherwise qualified for such admission. If the applicant is determined to be ineligible for admission or participation in the HPHA public housing or Section 8 program, upon request by the applicant, the HPHA will provide will provide an **informal review hearing** on the determination. See § 24 CFR 960.208 (public housing); 24 CFR § 982.554 (Section 8).
- B. *Preference.* An applicant will be granted a preference eligible status as a victim of domestic violence, dating violence, sexual assault, or stalking, with certification or documentation verifying current actual or threatening abuse.
- C. *Mitigation of Disqualifying Information.* In reviewing preference eligibility, the HPHA must determine whether negative suitability was a consequence of domestic violence against the applicant. An applicant will not be denied admission if the unfavorable (negative report) screening factors of the applicant are related to acts of domestic violence, dating violence, sexual assault, or stalking against the applicant or any member of the family household. The HPHA shall be entitled to conduct such

inquiries as are reasonably necessary to verify the claimed history of domestic violence, dating violence, stalking and/or sexual assault and its probable relevance to the potentially disqualifying information.

On the surface, adverse factors may appear unrelated to domestic violence, dating violence, sexual assault, or stalking and may present legitimate reasons for denial, termination, or eviction. However, the presence of an adverse factor may be due to an underlying experience of domestic violence, dating violence, sexual assault, or stalking. An adverse factor may be present during much of an abusive relationship, or it may present itself only when a victim is attempting to leave, or has left, the abusive relationship. HUD PIH Notice 2017-08, Section 7.2 provides examples of the many instances in which adverse factors might be the “direct result” of domestic violence, dating violence, sexual assault, or stalking.

- D. *Break Up of Family on the Waiting List.* If a family on the waiting list breaks up, the HPHA has discretion to determine which family members will retain the family’s position on the waiting list. However, if a court assigns the family’s position on the waiting list to particular family members in a divorce or separation under a settlement or judicial decree, the HPHA must assign the waiting list position as directed by the court.

In the absence of a judicial decision, the HPHA will consider the following factors:

1. The interest of any minor children, including custody arrangements;
2. The interest of any ill, elderly, or disabled family members;
3. Any possible risks to family members as a result of domestic violence or criminal activity; and
4. The recommendations of social service professionals.

The HPHA will prioritize victims of actual or threatened domestic violence, dating violence, or stalking where that violence is a contributing cause of the household breakup. However, if there are minor children in the family and the children do not primarily reside with the victim, the HPHA may choose not to apply this subsection in order to keep the assistance with the children.

VII. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT

- A. *Requirements for Verification.* For those applicants, tenants, and program participants seeking protection under this Policy, the HPHA or owner shall verify that an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the

applicable definitions set forth in this Policy. The applicant or tenant shall be allowed to choose the form of verification to be provided to the HPHA, owner, or manager.

If there is reason to believe that verification is incomplete or inaccurate, the HPHA or owner may require additional documentation of the incident(s). Such documentation requirement shall not place the victim in danger.

Verification may be made with at least one of the following:

1. HUD-approved form – Form HUD-5382, *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation*. Completing the form HUD-5382 approved certification form to document the incident or incidents that the Individual is a victim of domestic violence, dating violence, stalking or sexual assault, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator if the name of the perpetrator is safe to provide and is known to the victim. The victim or someone on the victim's behalf may complete the form. The victim or someone filling out the form on the victim's behalf must certify to the truth and accuracy of the information being provided. False information could be the basis for denial of admission, termination of assistance, or eviction. This HUD-approved form shall be made available in multiple languages, consistent with guidance issued by HUD in accordance with Executive Order 13166; OR
2. Other documentation – Third-party documentation is **not** required in order for a tenant to be eligible for an emergency transfer. If, however, the tenant happens to have third-party documentation that demonstrates why they are eligible for an emergency transfer or other VAWA protections, they should submit that documentation to HPHA Management if it is safe to do so. Other than for emergency transfers, third-party documentation is required when the HPHA, owner or management receives conflicting evidence as to the occurrence of domestic violence, dating violence, sexual assault, or stalking, as discussed below.

Examples of third-party documentation include, but are not limited to a letter or other documentation from a victim service provider, social worker, attorney or other legal assistance provider, pastoral counselor, mental health provider, medical professional, or other professional from whom the tenant has sought assistance. The person signing the

documentation must have assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse. The person signing the documentation must attest under penalty of perjury to his or her belief that the incident or incidents in question are bona fide incidents of abuse. The victim of domestic violence, dating violence, sexual assault or stalking should also sign the documentation.

The HPHA or owner may, under special circumstances, accept a verbal statement when there is other sufficient corroborating evidence, such as statements from other household members or case manager, to document that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault or stalking. The HPHA or owner shall document, in a confidential manner, the individual's verbal statement and the corroborating evidence available. HPHA Management or the owner may also agree to accept communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts as documentation.

3. Police or court record – Producing a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

- B. Time allowed to provide verification/failure to provide documentation. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault, and who is requested by the HPHA, or a Section 8 owner or manager to provide verification, must provide such verification within 14 business days (i.e., 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) 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 may be extended upon a showing of good cause.

The HPHA or owner will consider the following factors when extending the 14-day deadline including, but not limited to: cognitive limitations, disabilities, limited English proficiency, absence from the unit due to hospitalization or time in an emergency shelter, administrative delays in obtaining police or court records, the danger of further violence, and the victim's need to address health or safety issues. The HPHA or owner will also consider requests for reasonable accommodations for persons with disabilities. The HPHA acknowledges that because of these factors, the HPHA, owner, or manager might not be contacted by the victim with a request to extend the 14-business day period until after the 14-day period

has passed. Extensions may be granted for up to an additional 14-business days.

- C. Waiver of verification requirement. The HPHA Executive Director or his/her Designee, a Section 8 owner or manager, or other HPHA HUD-covered housing provider when applicable, may, with respect to any specific case, waive the above stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director/Designee, owner or manager. Any such waiver must be in writing. Waiver in a particular instance(s) shall not operate as precedent for, or create any right to, a waiver in any other case or cases, regardless of similarity in circumstances.
- D. Additional third-party documentation - If the HPHA or owner receives documentation that contains conflicting information, (including 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 perpetrator), the HPHA, owner, or manager may require an applicant or tenant to submit third-party documentation, within 30 calendar days of the date of the request for the third-party documentation.

Per 24 CFR § 5.2007, and HUD PIH Notice 2017-08 Section 8.2(e), the applicant or tenant can submit any of the following to meet the third-party documentation request:

1. A document:
 - (a) 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;
 - (b) Signed by the applicant or tenant; and
 - (c) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the HUD Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR § 5.2003; or
2. Police or court record – Producing a Federal, State, tribal, territorial, or local police, or court record describing the incident or incidents in question.

3. At the discretion of the HPHA or owner, a statement or other evidence provided by the applicant or tenant.

The Executive Director may designate an individual or a third party with experience with domestic violence cases to review documentation that contains conflicting information.

If the HPHA or owner requests, but does not receive third-party documentation, the HPHA or owner may deny VAWA protections and shall notify the applicant or tenant. If this results from the tenant(s) being terminated from assistance, the HPHA will hold a separate informational hearing for its Section 8 housing choice voucher tenants, or a grievance hearing for its public housing tenants.

VIII. TERMINATION OF TENANCY or ASSISTANCE

- A. Termination Notices. All termination of assistance or eviction notices will notify participants of VAWA's protections and that they may seek an informal hearing if a Section 8 tenant/participant pursuant to 24 CFR § 982.555, or a grievance hearing (including informal settlement of grievance) pursuant to 24 CFR Part 966, subpart B if a public housing tenant, if they believe that the termination is based on acts of domestic violence, dating violence, sexual assault or stalking committed against the participant.
- B. VAWA Protections. Under VAWA, public housing residents and persons assisted under the Section 8 program, have the following specific protections, which will be observed by the HPHA in administration of its programs:
 1. An incident(s) of actual or threatened domestic violence, dating violence, stalking or sexual assault 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 the tenancy or occupancy rights of or assistance to the victim of that violence.
 2. In addition, criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights of the tenant or affiliated individual of the tenant that is the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking.

3. Where a live-in aide is a victim of domestic violence, dating violence, sexual assault, or stalking, and the tenant seeks to maintain the services of the live-in aide, the HPHA or owner shall not require that the live-in aide be removed from the household on the grounds of being a victim of abuse covered by the VAWA.

The aide resides in the unit as a reasonable accommodation for the tenant with a disability, and to require removal of the aide solely because they are a victim of abuse would violate Section 504 of the Rehabilitation Act, the Fair Housing Act, and the Americans with Disabilities Act, which require HPHA Management or owner to permit such reasonable accommodations. In addition, if a tenant requests and qualifies for an emergency transfer on the grounds that the live-in aide is a VAWA-victim, the tenant's entire household, which includes the live-in aide, can be transferred.

4. When an individual who is a victim of domestic violence, has an unreported member residing in their household and the individual is afraid of asking the unreported member to leave because of the individual's domestic violence experience, then terminating the individual's tenancy because of the unreported household member would be "premised on an act of domestic violence." Therefore, depending on the situation, a tenant who violates program regulations by housing a person not authorized to reside in the unit could be covered by VAWA's anti-discrimination provisions, and eligible for remedies provided under VAWA.
5. A tenant may invoke VAWA protections on more than on occasion and cannot be subjected to additional conditions that adversely affect their tenancy because they have invoked VAWA protections.

C. VAWA Limitations.

1. The HPHA or a Section 8 owner or manager may terminate tenancy, evict, or to terminate assistance, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, stalking or sexual assault in question against the tenant or a member of the tenant's household. However, neither the HPHA nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence, dating violence, stalking or sexual assault than that applied to other tenants.
2. The HPHA or a Section 8 owner or manager may evict or terminate from assistance any tenant or lawful applicant if the owner, manager or the HPHA 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.

3. In cases where the presence of the perpetrator on the property will endanger others, not solely the unit in which the perpetrator resides, the HPHA or owner may evict or terminate assistance to a tenant if the HPHA or owner can demonstrate an actual and imminent threat to other tenants, or those employed at or providing services to the property, if the tenant is not evicted or assistance is not terminated. However, the HPHA or owner should only take such actions when there are no other actions that could be taken to reduce or eliminate the threat and must document all other actions taken and/or considered. A termination under this clause requires approval of the Executive Director.

D. *Bifurcation of Lease*. The HPHA or a Section 8 owner or manager, may bifurcate or divide a lease to 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 engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual.

1. Removal of the perpetrator of physical violence 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. Leases used for all public housing operated by the HPHA and leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by the HPHA, shall contain provisions setting forth the substance of this paragraph or as required by the U.S. Department of Housing & Urban Development.
2. If a bifurcation or division occurs, and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, the HPHA, owner, or manager shall provide any remaining tenant or household member/lawful occupant the opportunity and reasonable time to establish eligibility for the covered housing program. If the remaining tenant or household member/lawful occupant cannot establish eligibility, the HPHA, owner, or manager shall provide the remaining tenant 90 calendar days to find new housing or to establish eligibility under another covered housing program.

The 90-calendar-day period provided above will not be available to a remaining household member if the statutory requirements for the covered housing program prohibit it. The 90-day calendar period also

will not apply beyond the expiration of a lease, unless this is permitted by program regulations.

3. If the HPHA seeks to terminate the tenancy of a victim of domestic violence, dating violence, sexual assault, or stalking for lease violations unrelated to the domestic violence, dating violence, or stalking, the HPHA may not hold the individual to a more demanding set of rules than applied to tenants who are not victims of domestic violence, dating violence, sexual assault, or stalking.
 4. In cases where the HPHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the HPHA may determine which is the true victim by requiring third-party documentation.
 5. The HPHA will recommend that the victim seek assistance from local service providers of domestic violence.
 6. When rent for a Section 8 unit has previously been determined based on the income of an abusive family member who has left the household or been excluded from the household by a domestic violence restraining order or injunction or other court order, rent for the unit will immediately be adjusted to reflect the household's changed circumstances.
 7. The HPHA will recommend that the victim contact police and obtain a temporary restraining order against the abuser.
- E. Prohibition of Terminating a Lease when a Victim Declines to Transfer. Under the VAWA law, if a victim declines to move to a proposed transfer unit, the tenant's rejection of such proposed transfer will not serve as a basis for good cause termination of the lease.
- F. Prohibition of Good Cause Termination due to VAWA Incident. Per 24 CFR § 5.2005(c), an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as a serious or repeated violation of a lease by the victim or threatened victim of such incident, or be considered good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.
- G. Prohibited Basis for Denial or Termination of Assistance or Eviction Due to Criminal Activity. A tenant of HUD-assisted housing program may not be denied tenancy or occupancy rights 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.

- H. Management's Right to Evict or Terminate Assistance due to Serious or Repeated Lease Violations. A tenant of HUD-assisted housing can be evicted and/or assistance terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking. However, the HPHA shall not hold tenants who have been victims of VAWA-related crimes to a more demanding set of rules than it applies to tenants who have not been victims of VAWA-related crimes. Protections for VAWA-victims may not apply if the HPHA can demonstrate that not evicting or terminating assistance would present a real physical danger that would occur within an immediate timeframe, and could result in death or serious bodily harm to other tenants or those who work on the property. However, the HPHA will only terminate assistance or evict if there are no other actions that could be taken to reduce or eliminate the threat.
- I. Tenant's Right to Have their Lease Bifurcated rather than Requesting a Transfer. The HPHA may bifurcate a tenant's lease in order to evict or terminate the assistance of the individual who has engaged in VAWA-related criminal activity (the abuser or perpetrator). If a tenant chooses to have the abuser or perpetrator removed, the HPHA may not take away the rights of eligible tenants to the unit or otherwise penalize the remaining tenants or lawful occupants.

IX. HPHA EMERGENCY TRANSFER PLAN: EMERGENCY TRANSFER & PORTABILITY

- A. All tenants in the HPHA's HUD-covered housing programs will be made aware of their rights regarding emergency transfers through the *Notice of Occupancy Rights*. Also, tenants will have the right to review this VAWA Policy which contains the HPHA Emergency Transfer Plan, obtain a copy upon request, and to ask questions regarding the Policy. If a victim feels that there has been an unfair denial of an emergency transfer and is unable to resolve this situation with his/her Property Manager or the HPHA, the victim should contact HUD. This HPHA Emergency Transfer Plan shall be made available upon request. See 24 CFR 5.2005(e)(11).

- B. Number of Members in Family Desiring an Emergency Transfer. The HPHA will not deny or limit transfers to a safe and available unit based on the number of household members who request transfers, provided the victims meet the statutory and regulatory requirements for the transfer.
- C. Prohibition of Requiring Transfers to Other Properties or Programs. The HPHA will allow tenants to transfer to available and safe units within the property to avoid undergoing an application process at another property that is outside of the HPHA's control. However, when the HPHA does not have a safe and available unit to which the tenant can immediately make a transfer, the HPHA will assist such victims by providing appropriate referrals to other housing providers.
- D. Owners of assisted housing or Section 8 housing programs (including project-based voucher properties) administered by the HPHA are not required to adopt an Emergency Transfer Plan. If an owner receives a request for an emergency transfer, the owner shall explain to the victim that the HPHA is the covered housing provider for this activity, and to contact the HPHA directly.
- E. Eligibility for transfer. A tenant, or a tenant on behalf of an affiliated individual, who is a victim of domestic violence, dating violence, sexual assault, or stalking, is eligible for an emergency transfer, if:
1. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or
 2. The tenant is a victim of a sexual assault, and the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains in the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises within the 90-day period preceding a request for an emergency transfer.

If a victim was attacked by a perpetrator on the grounds of the HUD-covered housing provider, but was moved from the property and sexually assaulted elsewhere, this is considered as meeting the VAWA requirements for a sexual assault occurring on the premises.

A tenant's reasonable belief that there is a threat of imminent harm from further violence may stem from an incident of domestic violence, dating violence, sexual assault, or stalking of a household member.

The ability of the HPHA to honor such request for tenants currently receiving assistance may depend upon:

1. a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking; and
2. whether the HPHA has another dwelling unit that is available and is safe to offer the tenant for a temporary or permanent transfer.

F. Emergency transfer request. To request an emergency transfer, the tenant in any HPHA HUD-covered housing program shall notify the HPHA's property management and submit a written request for a transfer. The tenant may use form HUD-5383, *Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking* (Attachment D). The tenant's request for an emergency transfer should include either:

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

G. Emergency transfer timing and availability. HPHA cannot guarantee that an emergency transfer request will be approved or how long it will take to process a transfer request. The HPHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

Qualifying for an emergency transfer does not guarantee continued assistance under the program or a transfer to another covered housing program. Further, the emergency transfer requirements do not supersede any eligibility or occupancy requirements that may apply under a covered housing program. See 24 CFR 5.2005(e)(13).

The HPHA shall not be required to move a family out of an occupied unit in order to transfer a VAWA individual into that unit.

If an available unit is not readily available, the tenant, who is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be placed on the HPHA's tenant transfer list as a high priority transfer. The HPHA, however, shall not be required to supersede occupancy eligibility requirements as described below.

H. Internal Emergency Transfers and External Emergency Transfers.

1. An internal emergency transfer is moving a tenant to another unit assisted under the same program where the tenant would not be categorized as a new applicant. Examples include moving from one public housing unit to another public housing unit owned by the HPHA, or moving from a public housing unit at the Towers of Kuhio Park Terrace owned and operated by KPT Towers 1, LLC, to a public housing unit owned by the HPHA.
 - a. The tenant may make an internal emergency transfer under VAWA if a safe unit is immediately available.
 2. An external emergency transfer is an emergency transfer of a tenant to another unit or form of assistance where the tenant would be categorized as a new applicant. Examples include moving from a public housing unit owned by HPHA to the Section 8 housing program administered by HPHA, which includes a project-based voucher housing project under the HPHA, or moving from a public housing unit owned by HPHA to a Section 8 housing program administered by a local public housing authority, such as the City and County of Honolulu.
 3. If an internal safe unit is not immediately available, a tenant may seek an internal and external emergency transfer concurrently. For example, if an internal safe unit is not immediately available and there are no vacancies in the foreseeable future, the HPHA may provide the victim a Section 8 voucher or make referrals to other HUD-covered housing providers.
- I. Portability. Even if moving would otherwise constitute a violation of the lease, a Section 8 voucher family may move to another dwelling and continue to receive rental assistance if the family has complied with all program obligations and is moving to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, or stalking. The HPHA may request that the family provide the HUD-approved certification form or other documentation to verify the family's claim that the request to move is prompted by incidences of abuse.

If it is necessary for a family member to break a lease in order to escape domestic violence, dating violence, or stalking, the HPHA shall not terminate the victim from the Section 8 program.

Under extraordinary circumstances, including situations involving domestic violence, dating violence, sexual assault or stalking, the HPHA may allow more than one move in a 12-month period.

- J. Project-Based Voucher. The HPHA Emergency Transfer Plan applies to project-based voucher (PBV) participants.
1. If the victim makes an emergency transfer request and has been in living in the PBV unit **for one year or more**, the HPHA shall provide the victim priority to receive the next available opportunity for tenant-based rental assistance. See 24 CFR § 983.261.
 2. The HPHA will refer the victim to other housing opportunities in the community if the victim has been living in the PBV unit for **less than one year**, tenant-based assistance is not immediately available, or another safe PBV unit is not immediately available.
 3. The family or member of the family is not required to give advanced written notice, with a copy to the HPHA, of intent to vacate the PBV unit if the family moved to protect the health or safety of the victim.
 4. If the victim seeks to move sooner than a tenant-based voucher will be available, then the HPHA will give the family priority to receive the next available opportunity for tenant-based assistance, even if they have left the unit to protect the family's safety.
- K. The HPHA shall not be responsible for the costs that tenants and their household members generally pay, including those associated with moving, application fees, deposits, in addition to costs to physically move households and their belongings. The HPHA's Executive Director may make assistance available to the victim such as through the execution of a repayment plan or through referrals to local victim service providers who may be able to help with funding transfers.
- L. The HPHA shall keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years. Requests and outcomes of such requests must be reported to HUD annually.
- M. Occupancy Eligibility Requirements May Not be Superseded
Emergency transfer obligations do not supersede any eligibility or other occupancy requirements that may apply under this housing program. For example, the tenancy priority for an available accessible unit required to be accessible under HUD's Section 504 regulation must still be applied to maximize the utilization of accessible units by individuals who need the accessibility features. The objective of the emergency transfer plan is to develop a plan for how to fill an available unit and still recognize the need to transfer an individual who qualifies for an emergency transfer as quickly as possible while meeting other obligations and balancing competing

needs. Emergency transfers under this policy are considered a high priority transfer.

1. Accessible Units or Other Reasonable Accommodation Units. HUD's Section 504 regulations describe the process by which accessible units must be occupied. In order to maximize the utilization of such units by eligible individuals who require the accessibility features of the particular unit, the HPHA will offer such a unit to an eligible qualified individual on the waiting list needing such features. After this, HPHA may then offer the unit to individuals without disabilities, including individuals who need an emergency transfer under VAWA.
2. Timeframe for Establishing Eligibility for Emergency Transfers HUD has not set a time period for victims seeking emergency transfers to establish eligibility for other programs. In the case of bifurcation, a time period applies so that tenants may be protected from immediate eviction when a perpetrator leaves a unit. In the case of tenants requesting emergency transfers, the tenant is not facing eviction, and although it may be unsafe for tenants to remain in their units, emergency transfers are subject to whether there is a safe and available unit to which the tenant may transfer.
3. Physical Condition Standards for Safe Units. Identification of the location of a safe dwelling unit should be determined by the VAWA victim who is requesting the transfer, based on the tenant's personal knowledge and reasonable belief about what is safe. Program regulations and policies for physical condition standards will apply for emergency transfers in the same manner that they apply to other housing.

- N. The HPHA is unable to guarantee the safety of a specific unit or property. Although the HPHA may believe that a unit or property is safe, the HPHA will not force a VAWA-victim to transfer to a site where the tenant does not feel safe.
- O. Examples of emergency transfer situations are set forth in HUD PIH Notice 2017-08, Section 12.

X. CONFIDENTIALITY

- A. Right of confidentiality. All information (including the fact that an individual is a victim of domestic violence, dating violence, stalking or sexual assault) provided to the HPHA or to a Section 8 owner or manager in connection with a verification required under section V of this Policy or provided in lieu of such verification where a waiver of verification is

granted, shall be retained by the receiving party in confidence and shall not be entered in any shared database nor provided to any other entity or individual, except where disclosure is:

1. Requested or consented to by the individual in writing; or
2. Required for use in a public housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA; or
3. Otherwise required by applicable law.

When communicating with an applicant, participant, or tenant who has requested VAWA protections, the HPHA and its agents or owner will take precautions to avoid inadvertent disclosure of confidential information to another individual or entity in violation of 24 CFR § 5.2007(c). Unless given permission from the victim to do so, the HPHA and/or its agents, or the owner must not leave messages that contain confidential information or refer to VAWA, the VAWA protections, or the domestic violence, dating violence, sexual assault, or stalking (e.g., asking the victim to come to the management office to pick up the form HUD-5382) on the victim's voicemail system or with other individuals, including members of the victim's household. Leaving a voicemail requesting that the victim contact the HPHA or owner without referencing VAWA, VAWA protections, or the domestic violence, dating violence, sexual assault, or stalking, is not prohibited.

Best practice is for housing providers not to send mail regarding the domestic violence, dating violence, sexual assault, or stalking (e.g., a written request to complete form HUD-5382, or written extension of the 14-business day timeframe to respond to the HPHA's or owner's request for documentation) to the victim's address if the perpetrator may have access to the victim's mail (e.g. the perpetrator is the co-head of household, or the perpetrator is employed at the residency of the victim).

B. Confidentiality in Regard to VAWA-Related Incidents

All information provided to the HPHA, HPHA Management, or the owner concerning incidents of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. HHA Management or the owner, however, may disclose the information provided if:

- The tenant or applicant gives written permission to Management or the owner to release the information on a time limited basis;
- Management or the owner needs to use the information in an eviction or termination of assistance proceeding against the victim's abuser or perpetrator;
- A law requires Management or the owner to release the information.

- C. Confidentiality in Regard to Emergency Transfers
HPHA Management or the owner will keep confidential any information that the tenant submits in requesting an emergency transfer, unless the tenant gives 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. This includes keeping confidential the new location of a transfer unit from the perpetrator of the VAWA-related crime.

See the *Notice of Occupancy Rights under the Violence Against Women Act* in the Attachments -of this plan for more information about Management's responsibility to maintain the confidentiality of information related to VAWA crimes.

XI. COURT ORDERS

- A. Court orders. The HPHA or the owner shall honor orders entered by courts of competent jurisdiction affecting individuals assisted by the HPHA. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

XII. NOTICE

The HPHA shall provide and/or make available the following:

HUD-5380, Notice of Occupancy Rights under the Violence Against Women Act

Each adult applicant and tenant shall be provided a copy of the Notice of Occupancy Rights. The Notice shall be accompanied by HUD Form 5382, which must be attached to the notice. Tenants can fill out form HUD-5382 to show that they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that they wish to use their rights under VAWA.

Forms HUD-5380 and 5382 must be distributed at the following times:

- When an individual is denied assistance or admission under an assisted program;
- When an individual is admitted to a dwelling unit assisted under the covered housing program; and
- When a current resident is notified of an eviction proceeding or termination of housing assistance.

HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation

For any tenant of a HUD-covered housing program seeking VAWA protections, Management may ask in writing for the tenant to submit documentation about the

incident(s) of domestic violence, dating violence, sexual assault, or stalking. In response to this request, the tenant or someone on their behalf may complete the optional form HUD-5382, and submit it to Management, or the tenant may submit one of several other types of third-party documentation listed on form HUD-5382.

HUD-5383, *Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking*

If a tenant is a victim of domestic violence, dating violence, sexual assault, or stalking, and is seeking an emergency transfer, the tenant may use form HUD-5383 to request an emergency transfer and certify that they meet the requirements of eligibility for an emergency transfer under VAWA. Using the form does not necessarily mean that the tenant will receive an emergency transfer. Form HUD-5383 includes:

- The requirements that victims of domestic violence, dating violence, sexual assault, and stalking must meet to qualify for an emergency transfer under VAWA;
- Information about other types of documentation that those requesting a transfer may submit if the victim has such documentation and it is safe to provide;
- Information on maintaining confidentiality of facts the victim submits to the housing provider;
- Requests of information from victims about their households, the accused perpetrators, if this is known and can be safely disclosed, and about why the victims qualify for an emergency transfer under VAWA; and
- A statement that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Tenants are not required to use form HUD-5383 to request an emergency transfer, and may notify Management and submit a written request for a transfer that includes either:

- 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 Management's program; OR
- 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 Notice shall be made available in multiple languages, consistent with guidance issued by HUD in accordance with Executive Order 13166.

Notice to Owners: The HPHA shall provide this Policy, form HUD-5382 *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation*, and "Owner Notification Of Rights and Obligations"

notice to owners participating in the Section 8 Housing Choice Voucher Program of their rights and obligations under VAWA.

XIII. PROCEDURES FOR DEALING WITH INCIDENTS OR CLAIMS OF DOMESTIC VIOLENCE

In addition to the foregoing provisions and requirements, the HPHA shall adhere to the following procedures:

- A. The HPHA manager will encourage victims to seek professional assistance by referring them to the appropriate victim service providers.
- B. If police are involved, the HPHA manager should obtain a copy of the police report for its files, and recommend that the perpetrator is issued a temporary restraining order.
- C. Once a temporary restraining order is issued, and the victim has provided a certification of domestic violence, the HPHA or manager may remove the abuser from the lease. The HPHA or manager will make available to the victim the option to change existing unit entry locks at their cost, if desired.
- D. In cases where the facts are unclear, staff may liberally apply VAWA procedures and then seek immediate consultation with the Property Management and Maintenance Services Branch.
- E. The HPHA or manager may issue a written "Trespass Warning Notice" when deemed appropriate. Staff shall cooperate and coordinate with police and on-site security, if any, to the issuance and enforcement of trespass notices.
- F. The manager will keep written log of actions taken, including referrals to social service organizations, to police, or to other state agencies; to document efforts made to assist victims assisted under VAWA.
- G. The HPHA or manager may issue a Notice of Violation to one of the tenants of a lease in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.
- H. The HPHA and managers are required to maintain confidential information in separate files and stored in a locked restricted access cabinet.

- I. It is the policy of the HPHA to cooperate with organizations and entities, both private and government, that provide shelter and/or services to victims of domestic violence. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring the HPHA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence or to make a referral in any particular case.

XIV. REFERENCE INFORMATION

Additional guidance can be found below:

HUD Final Rule: Violence Against Women Reauthorization Act of 2013:
Implementation in HUD Housing Programs

<https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>

PIH Notice 2017-08 (HA). dated May 19, 2017, Violence Against Women Reauthorization Act of 2013 Guidance (which supersedes: PIH Notice 2007-5, PIH Notice 2006-42; PIH Notice 2006-23).

<https://portal.hud.gov/hudportal/documents/huddoc?id=PIH-2017-08VAWRA2013.pdf>

24 CFR Part 5, Subpart L – Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

<https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=ce96c347060e2e521a8a83fcc2c432cf&rqn=div6&view=text&node=24:1.1.1.1.5.12&idno=24>

24 CFR 960 – Admission To, and Occupancy of, Public Housing

https://www.ecfr.gov/cgi-bin/text-idx?node=pt24.4.960&rqn=div5#se24.4.960_1103

24 CFR 966 – Public Housing Lease and Grievance Procedure

<https://www.ecfr.gov/cgi-bin/text-idx?SID=e8589b529b3e8993430a924ea7257b5b&mc=true&node=pt24.4.966&rqn=div5>

24 CFR 982 – Section 8 Tenant Based Assistance Housing Choice Voucher Program

<https://www.ecfr.gov/cgi-bin/text-idx?SID=e8589b529b3e8993430a924ea7257b5b&mc=true&node=pt24.4.982&rqn=div5>

24 CFR 983 – Project-Based Voucher (PBV) Program

<https://www.ecfr.gov/cgi-bin/text-idx?SID=e8589b529b3e8993430a924ea7257b5b&mc=true&node=pt24.4.983&rqn=div5>

Attachments:

- Attachment A: Local Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- Attachment B: Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD-5380 for Public Housing, including Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation, Form HUD-5382
- Attachment C: Notice of Occupancy Rights Under the Violence Against Women Act, HUD 5380 for Section 8, including Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation, Form HUD-5382
- Attachment D: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383
- Attachment E: Owner Notification of Rights and Obligations (based on HUD PIH Notice 2017-08, Model Owner Notification of Rights and Obligations)

Attachment A

Local Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Domestic Violence Help

For help regarding an abusive relationship, you may contact:

- National Domestic Violence Hotline at **1-800-799-7233** or, for persons with hearing impairments, **1-800-787-3224 (TTY)**.

- Hawaii State Coalition Against Domestic Violence at **(808) 832-9316**.
1164 Bishop St. Ste. 1609
Honolulu, HI 96813
Website: www.hscadv.org
Email: mrocca@hscadv.org

- Domestic Violence Action Center at **(808) 531-3771**
P.O. Box 3198
Honolulu, HI 96801-3198
Website: www.domesticviolenceactioncenter.org/
Email: dvac@stoptheviolence.org

Domestic Violence Shelter Services (24-hr)

- Oahu
 - Child and Family Service: **(808) 841-0822**
Confidential Address
Website: www.childandfamilyservice.org

 - Parents and Children Together: **(808) 526-2200**
(Ohia Domestic Violence Shelter)
Confidential Address
Website: www.pacthawaii.org

 - Hale Ola Windward Abuse Shelter: **(808) 528-0606**
PO BOX 1955
Kailua, HI 96734
Email: aviswsas@yahoo.com

United Church of Christ Transition House: **(808) 943-2837**
Confidential Address
Email: megm1@hawaii.rr.com

○ Hawaii (Big Island)

Hale Ohana Shelter: **(808) 959-8864**
Confidential Address

Domestic Abuse Shelter – West Hawaii: **(808) 322-7233**
Confidential Address

○ Kauai

YWCA Family Violence Program and Shelter: **(808) 245-6362**
3094 Elua St.
Lihue, HI 96766
Email: diane.wada@ywcakauai.org

○ Maui

Women Helping Women Hale Lokomaika'i Shelter: **(808) 579-9581**
1935 Main St. Ste. 202
Wailuku, HI 96793
Website: www.whwmaui.net
Email: info@whwmaui.net

○ Lanai

Women Helping Women: **(808) 565-6700**
PO BOX 631067
Lanai City, HI 96763
Email: lanai@whwmaui.net

○ Molokai

Hale Ho`omalulu Shelter: **(808) 567-6888**
PO BOX 839
Kaunakakai, HI 96748
Email: hhs@wave.hicv.net

Programs & Intervention Services

○ Oahu

PACT Family Peace Center: **(808) 585-7944**

(Pu'uhonua DV Crisis Counseling)

1485 Linapuni St. Ste. 105

Honolulu, HI 96819

Website: www.pacthawaii.org

Email: fpc@pacthawaii.org

PACT Family Visitation Center: **(808) 847-0015**

Various locations

Website: www.pacthawaii.org

Email: fpc@pacthawaii.org

Catholic Charities Hawai'i (DV Therapy & Intervention)

Men: **(808) 527-4471**

Women: **(808) 527-4476**

1822 Keeaumoku St.

Honolulu, HI 96822

Website: www.catholiccharitieshawaii.org

Email: jbloom@catholiccharitieshawaii.org

Child and Family Service – DOV: **(808) 841-0822**

1130 North Nimitz Highway Ste. C-301

Honolulu, HI 96817

Website: www.childandfamilyservice.org

Salvation Army Family Treatment Services: **(808) 739-4952**

845 22nd Ave.

Honolulu, HI 96816

Website: www.hawaii.salvationarmy.org

Joyful Heart Foundation: **(808) 531-3520**

245 N. Kukui St. Ste. 102A

Honolulu, HI 96817

Website: www.joyfulheartfoundation.org

Email: info@joyfulheartfoundation.org

○ Hawaii (Big Island)

Turning Point for Families:

East Hawaii: **(808) 935-2188** / West Hawaii: **(808) 323-2664**

1045A Kilauea Ave

Hilo, HI 96720

Website: www.childandfamilyservice.org

Hilo Family Visitation Centers at Hilo YMCA: **(808) 935-3721**

300 West Lanikaula St.

Hilo, HI 96720

Email: ymcafamilyvisitation@hawaii.rr.com

○ Kauai

YWCA Decision Point – Alternatives To Violence (ATV): **(808) 245-5959**

3094 Elua St.

Lihue, HI 96766

Email: dennis@ywcakauai.org

○ Maui

Child and Family Service: **(808) 877-6888**

392 N. Market St.

Wailuku, HI 96793

Website: www.childandfamilyservice.org

Women Helping Women (Lahaina): **(808) 661-7111**

392 N. Market St.

Wailuku, HI 96793

Website: www.childandfamilyservice.org

PACT – Maui Family Peace Center: **(808) 244-2330**

81 N. Market St.

Wailuku, HI 96793

Website: www.pacthawaii.org

○ Lanai

Women Helping Women: **(808) 565-6700**

PO BOX 631067

Lanai City, HI 96763

Email: lanai@whwmaui.net

- Molokai

Hale Ho`omalua ATV: **(808) 567-6888**
PO BOX 839
Kaunakakai, HI 96748
Email: hhs@wave.hicv.net

Stalking Resources

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

www.victimsofcrime.org/our-programs/stalking-resource-center.

Sexual Assault & Human Trafficking

For help regarding sexual assault, you may contact resources available at the website for Hawaii Says No More at www.hawaiisaysnomore.org/resources.

- Oahu

Ala Kuola (Hawaii Family Law Clinic): **(808) 545-1880**
677 Ala Moana Blvd. Ste. 1005
Honolulu, HI 96813
Website: www.alakuolahawaii.com

Catholic Charities Hawai'i: **(808) 521-4357**
1822 Keeaumoku St.
Honolulu, HI 96822
Website: www.catholiccharitieshawaii.org

Hawaii Immigrant Justice Center: **(808) 536-8826**
Neighbor Islands: **1-800-499-4302 ext. 279**
Website: www.legalaidhawaii.org/immigrant-justice-center.html

Ho`ola Napua: **(808) 445-3131**
PO BOX 22551
Honolulu, HI 96823
Website: www.hoolanapua.org

Legal Aid Society of Hawaii (LASH): **(808) 536-4302**
924 Bethel St.

Honolulu, HI 96813
Website: www.legalaidhawaii.org

Pacific Survivor Center: **info@pschawaii.org**
PO BOX 3535
Honolulu, HI 96811
Website: www.pschawaii.org

The Sex Abuse Treatment Center: **(808) 535-7273**
Harbor Court 55 Merchant St. 22nd Floor
Honolulu, HI 96813
Website: www.satchawaii.org

University of Hawai'i (Manoa) – Office of Gender Equity: **(808) 956-4541**
2600 Campus Rd. QLCSS 210
Honolulu, HI 96822
Website: www.manoa.hawaii.edu/genderequity
Email: geneq@hawaii.edu

Children's Alliance of Hawai'i: **(808) 599-2955**
200 N. Vineyard Blvd. Ste. 410
Honolulu, HI 96817
Website: www.cahawaii.org
Email: cah@childrensalliancehawaii.org

808 Halt Coalition: **(808) 851-7010**
Pacific Gateway Center 723-C Umi St.
Honolulu, HI 96819
Website: www.808halt.com
Email: avt@pacificgateway.org

○ Hawaii (Big Island)

Lokahi Treatment Centers: **(808) 969-9292**
400 Hualani St. Bldg. 10 Ste. #195B
Waiakea Villas
Hilo, HI 96720
Website: www.lokahitreatmentcenters.net
Email: info@lokahitreatmentcenters.net

YWCA Hawai'i Island: **(808) 935-0677**
145 Ululani St.

Hilo, HI 96720

Website: www.ywcahawaiiisland.org

- Kauai

YWCA Family Violence Program and Shelter: **(808) 245-4144**

3094 Elua St.

Lihue, HI 96766

Email: diane.wada@ywcakauai.org

- Maui

Child & Family Service – Neighborhood Place of Wailuku: **(808) 873-8624**

392 N. Market Street

Wailuku, HI 96793

Website: www.childandfamilyservice.org

- Lanai

Women Helping Women – Lana'i: **(808) 579-9581**

1144 Ilima Ave.

Lana'I City, HI

Website: www.womenhelpingwomenmaui.com/programs/lanai/

- Molokai

Child & Family Service – Moloka'i Office: **(808) 553-5529**

20A Ala Malama St.

Kaunakakai, HI 96748

Hawaii Public Housing Authority

Notice of Occupancy Rights under the Violence Against Women Act¹

To all Tenants and Applicants:

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the federal low income public housing program 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 federal low income public housing program, 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 the HPHA’s federal low income public housing program, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under federal low income public housing program 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.

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.

Removing the Abuser or Perpetrator from the Household

HPHA 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 HPHA chooses to remove the abuser or perpetrator, HPHA 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, HPHA 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, HPHA must follow Federal, State, and local eviction procedures. In order to divide a lease, HPHA 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, HPHA 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, HPHA 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 manager or the HPHA does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your manager may ask you for such documentation, as described in the documentation section below.
- (2) **You expressly request the emergency transfer.** Your manager or the HPHA 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.

HPHA 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.

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

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

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

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

Confidentiality

HPHA 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.

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

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

- You give written permission to HPHA to release the information on a time limited basis.
- HPHA 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 HPHA or your landlord to release the information.

VAWA does not limit HPHA'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, HPHA 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 HPHA 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 HPHA can demonstrate the above, HPHA 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 violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Hawaii Public Housing Authority at 1002 N. School Street, Honolulu, HI 96817 or the Hawaii HUD Field Office at 1132 Bishop Street, Suite 1400 Honolulu, HI 96813-4918.

For Additional Information

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

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

For questions regarding VAWA, please contact your property manager or the HPHA's Property Management and Maintenance Services Branch at (808) 832-4696.

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 the Hawaii State Coalition Against Domestic Violence at 808-832-9316.

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 resources available at the website for Hawaii Says No More at <https://hawaiisaysnomore.org/resources/>. Service providers are listed by island on their website.

Victims of stalking seeking help may contact resources available at the website for The National Center for Victims of Crime at <https://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/state-information/hawaii>.

Attachment: Certification form HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation

**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.

Hawaii Public Housing Authority

Notice of Occupancy Rights under the Violence Against Women Act¹

To all Tenants and Applicants:

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the federal section 8 program 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 federal section 8 program, 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 the HPHA’s federal section 8 program, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under federal section 8 program 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.

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.

Removing the Abuser or Perpetrator from the Household

HPHA 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 HPHA chooses to remove the abuser or perpetrator, HPHA 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, HPHA 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, HPHA must follow Federal, State, and local eviction procedures. In order to divide a lease, HPHA 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, HPHA 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, HPHA 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 manager or the HPHA does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your manager may ask you for such documentation, as described in the documentation section below.
- (2) **You expressly request the emergency transfer.** Your manager or the HPHA 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.

HPHA 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.

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

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

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

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

Confidentiality

HPHA 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.

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

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

- You give written permission to HPHA to release the information on a time limited basis.
- HPHA 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 HPHA or your landlord to release the information.

VAWA does not limit HPHA'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, HPHA 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 HPHA 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 HPHA can demonstrate the above, HPHA 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 violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Hawaii Public Housing Authority at 1002 N. School Street, Honolulu, HI 96817 or the Hawaii HUD Field Office at 1132 Bishop Street, Suite 1400 Honolulu, HI 96813-4918.

For Additional Information

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

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

For questions regarding VAWA, please contact your property manager or the HPHA's Property Management and Maintenance Services Branch at (808) 832-4696.

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 the Hawaii State Coalition Against Domestic Violence at 808-832-9316.

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 resources available at the website for Hawaii Says No More at <https://hawaiisaysnomore.org/resources/>. Service providers are listed by island on their website.

Victims of stalking seeking help may contact resources available at the website for The National Center for Victims of Crime at <https://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/state-information/hawaii>.

Attachment: Certification form HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation

**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.

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

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

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

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

The requirements you must meet are:

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

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

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

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

OR

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

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

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

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

1. Name of victim requesting an emergency transfer: _____

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

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

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

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

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

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

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

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

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

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

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

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

Signature _____ Signed on (Date) _____

Owner Notification of Rights and Obligations¹

Hawai'i Public Housing Authority

NOTIFICATION OF YOUR RIGHTS AND OBLIGATIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV) and PBV applicants, tenants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault and stalking.

Purpose

Many of VAWA's protections to victims of domestic violence, dating violence, sexual assault and stalking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called "Notice") is to explain your rights and obligations under VAWA, as an owner of housing assisted through the Hawai'i Public Housing Authority HCV program. Each component of this Notice also provides citations to HUD's applicable regulations.

Denial of Tenancy

Protections for applicants: Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, or stalking. However, the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

Eviction

Protections for HCV participants: Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, or stalking, conducted by a member of a tenant's household or any guest or other person under the tenant's control, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

Limitations of VAWA protections:

a. Nothing in the VAWA Final Rule limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):

- 1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- 2) The distribution or possession of property among members of a household in a case.

¹ Based on HUD PIH Notice 2017-08, Appendix II, Model Owner Notification of Rights and Obligations.

b. Nothing in the VAWA Final Rule limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, or stalking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, or stalking, as long as the owner does not subject the victim to more demanding standards than other tenants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

c. Nothing in the VAWA Final Rule limits an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the HCV property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)

i. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the following standards: An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. (See 24 CFR 5.2003.)

ii. Any eviction due to “actual and imminent threat” should be utilized by an owner only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents. (See 24 CFR 5.2005(d)(4).)

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

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

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

a. Form HUD-55383 (Self-Certification Form); or

b. A document:

1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:

- 2) Signed by the applicant or tenant; and
 - 3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
- c. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
 - d. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

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

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

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.2007(a)(2)). The owner may extend this time period at its discretion. During the 14 business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

- a. Deny admission by the applicant or tenant to the housing or program;
- b. Deny assistance under the covered housing program to the applicant or tenant;
- c. Terminate the participation of the tenant in the covered housing program; or
- d. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

Moves

A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

Lease Bifurcation

Owners may choose to bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. (See 24 CFR 5.2009(a).) If an owner chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases.

To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

Evictions Due to “Actual and Imminent Threat” or Violations Not Premised on Abuse

The VAWA Final Rule generally prohibits eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, the VAWA Final Rule does not prohibit an owner from evicting a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. Nor does the VAWA Final Rule prohibit an owner from evicting a tenant if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to property of the owner would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 5.2005(d)(2) and (3).)

In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The length of time before the potential harm would occur.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence by the covered housing provider. (See 24 CFR 5.2007(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim). The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

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

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.

Service Providers

The Hawai'i Public Housing Authority staff are available to provide referrals to shelters, counselors, and advocates. These resources are also provided in the Hawai'i Public Housing Authority VAWA Policy, which lists the local service providers.

Definitions

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

- (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may

be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship;
 - (ii) The type of relationship; and
 - (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

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

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

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

Attached:

HPHA VAWA Policy

Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

HPHA VAWA Notice of Occupancy Rights

5-Year PHA Plan for FYs 25 to 29

Attachment C

RAB Comments

RAB Comments

The HPHA presented the draft Five-Year PHA Plan for FYs 25-29 to the Resident Advisory Board for review and comments on February 12, 2024, and March 13, 2024.

1. **Proposed Plan Revision:** Adopt a new objective target to create an online portal for HCV tenants to submit documents.

RAB Comments

The RAB supported the creation of an online HCV tenant portal because it would free up some families from having to physically travel to the HPHA's offices to drop off certain documents. One member stated that the online portal would allow HCV families to submit and track their documents outside of the agency's regular business hours. There were questions about whether a similar system would be rolled out for the federal public housing program. There were also concerns about access to the portal for those who do not have computers.

HPHA Response

The HPHA thanks the RAB for its support of the proposed revision. The HPHA considered how an online portal would work for public housing families but did not include it in this 5-Year PHA Plan. Unlike the public housing program with AMP offices operating statewide, the HCV program is inherently more decentralized and may stand to benefit more from this initiative. Setting up a system like this will also take time, and the HPHA does not want to create any additional administrative burden for its IT staff. Also, lessons learned from setting up a tenant portal for the HCV program may help with implementing something similar for the federal public housing program in the future.

As to how HCV families without computer/internet access would be affected, documents would still be accepted in-person, by-mail, or through other means if needed as a reasonable accommodation.

2. **Proposed Plan Revision:** Adopt a new objective target to establish and administer a Workforce Training Pilot Program.

RAB Comments

The RAB asked why this was being included in the 5-Year PHA Plan when it was first included in the MTW Supplement for FY 23.

HPHA Response

The HPHA received an approved MTW waiver to establish and administer a Workforce Training Pilot Program as a local, non-traditional MTW activity. The HPHA sought seed funding from the Hawaii State Legislature during the past two legislative sessions to jumpstart the program but has yet to receive an appropriation. The HPHA will be seeking an appropriation during the 2025 legislative session and will report back to the RAB throughout the year on the status of its request.

5-Year PHA Plan for FYs 25 to 29

Attachment D

Certification by State
or Local Official

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

IN REPLY, PLEASE REFER TO:


24:PEO/02

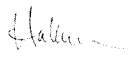
2403063

March 8, 2024

MEMORANDUM

TO: The Honorable Josh Green, M.D., Governor
State of Hawaii

THROUGH: Cathy Betts, Director 
Department of Human Services

FROM: Hakim Ouansafi, Executive Director 
Hawaii Public Housing Authority

SUBJECT: Certification of Consistency with the State Consolidated Plan

On March 21, 2024, the Hawaii Public Housing Authority's (HPHA) Board of Directors is anticipated to approve the final drafts of the HPHA's Annual Public Housing Agency (PHA) Plan for Fiscal Year 2025 and the Five-Year PHA Plan for Fiscal Years 2025 to 2029. The Board will also authorize the Executive Director to submit the PHA Plans to the U.S. Department of Housing and Urban Development (HUD). HUD requires all PHAs to receive certification from a State or local official that a PHA Plan is consistent with its state's Consolidated Plan.

The goals and the objectives included in the Annual PHA Plan and the Five-Year PHA Plan are based upon the Hawaii Housing Policy Study which also informs the strategies described in the State Consolidated Plan. These housing strategies are carried out by various State agencies (e.g., HPHA, HHFDC, DHHL) and seek to address Hawaii's local housing needs. The Annual PHA Plan and the Five-Year PHA Plan are the culmination of approximately seven months of planning meetings with public housing residents, Section 8 participants, the HPHA's Resident Advisory Board, and the general public. The HPHA held a public hearing to gather comments on the drafts of the PHA Plans on March 4, 2024.

Enclosed, please find for your review and approval the Certification of Consistency with the Consolidated Plan (Form HUD-50077-SL) which will be submitted to HUD as an attachment to the PHA Plans.

If you have any questions, please feel free to contact our office at (808) 832-4682. Thank you very much for your continued support.

Enclosure

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

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

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

I, Josh Green, M.D., the Governor of the State of Hawaii
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2025 to 2029 and/or Annual PHA Plan for
fiscal year 2025 of the Hawaii Public Housing Authority (HPHA) is consistent with the
PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair
Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

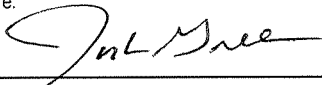
State of Hawaii
Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or
State Consolidated Plan.

The HPHA's goals and strategies are based on the Hawaii Housing Policy Study which serves as the basis
for the State's Consolidated Plan. The State's housing strategies are coordinated between various agencies
(e.g., HPHA, the Hawaii Housing Finance and Development Corporation, Department of Hawaiian Home-
lands) and seek to address the specific housing needs of Hawaii's communities.

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

Name of Authorized Official: Josh Green, M.D.	Title: Governor
Signature: 	Date: 3-15-24

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. This information is collected to
ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year 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.

5-Year PHA Plan for FYs 25 to 29

Attachment E

Public Testimony



NOTICE OF PUBLIC HEARING

Pursuant to 24 CFR 903.17 and the MTW Operations Notice, the Hawaii Public Housing Authority (HPHA), Department of Human Services, hereby provides notice that it will hold a public hearing on (1) the 5-Year Public Housing Agency (PHA) Plan for Fiscal Years 2025 to 2029, (2) the Annual PHA Plan for Fiscal Year 2024-2025, (3) the Moving to Work (MTW) Supplement for Fiscal Year 2024-2025, and (4) the Amended MTW Supplement for Fiscal Year 2023-2024.

Background: The HPHA is developing its 5-Year PHA Plan and Annual PHA Plan as required by the Quality Housing and Work Responsibility Act (QHWRA) of 1998. The QHWRA was enacted to revitalize, improve, and make significant changes to the federal public housing and Housing Choice Voucher programs. PHA Plans describe how federally-funded programs administered by the HPHA will be operated and managed during the applicable fiscal year(s). The HPHA also uses the PHA Plans to inform the U.S. Department of Housing and Urban Development (HUD), its residents, and the public of the specific strategies it will employ to address the housing needs of low-income families within its jurisdiction.

The HPHA will include an MTW Supplement for Fiscal Year 2024-2025 as an attachment to the Annual PHA Plan for Fiscal Year 2024-2025. An MTW Supplement provides information on all future and ongoing MTW-related policies, waivers, and activities. Submittal of the MTW Supplement is a requirement for all expansion PHAs participating in the MTW Demonstration Program. For more information on the MTW Demonstration Program, please see the MTW Operations Notice, published in the Federal Register as FR-5994-N-05.

Finally, the HPHA is proposing an amendment to its MTW Supplement for Fiscal Year 2023-2024, which was submitted to HUD on March 29, 2023, and received final approval on June 2, 2023. Specifically, the amended MTW Supplement includes a request for HUD approval of MTW Waiver 3.b. which would allow the HPHA to conduct reexaminations of HCV families biennially (i.e., every two years).

Public Review: The drafts of the (1) 5-Year PHA Plan for Fiscal Years 2025 to 2029, (2) the Annual PHA Plan for Fiscal Year 2024-2025, (3) the MTW Supplement for Fiscal Year 2024-2025, and (4) the Amended MTW Supplement for Fiscal Year 2023-2024 are available for public viewing at the HPHA School Street Administrative Campus and the site management offices on weekdays between 7:45 a.m. to 4:30 p.m.

- HPHA Administrative and Section 8 Offices, 1002 North School Street, Honolulu
- Oahu: Puuwai Momi Office, 99-132 Kohomua Street, Aiea
- Oahu: Kalihi Valley Homes Office, 2250 Kalena Drive, Honolulu
- Oahu: Mayor Wright Homes Office, 521 North Kukui Street, Honolulu
- Oahu: Kalakaua Homes Office, 1545 Kalakaua Avenue, Honolulu
- Oahu: Kalanihulia Office, 1220 Aala Street, Honolulu
- Oahu: Hale Poai Office, 1001 North School Street, Honolulu
- Oahu: Waimaha Sunflower Office: 85-186 McArthur Street, Waianae
- Oahu: Koolau Village Office: 45-1027 Kamau Place, Kaneohe
- Oahu: Kauhale Nani Office: 310 North Cane Street, Wahiawa
- Oahu: Palolo Valley Homes Office: 2107 Ahe Street, Honolulu
- Oahu: Kuhio Homes Office: 1475 Linapuni Street, Honolulu
- Hawaii: Lanakila Homes Office, 600 Wailoa Street, Hilo
- Hawaii: Ka Hale Kahaluu Office, 78-6725 Makolea Street, Kailua-Kona
- Hawaii: Noelani II Office, 65-1191 Opelo Road, Kamuela
- Kauai: Kapaa Office, 4726 Malu Road, Kapaa
- Mau: Kahekihi Terrace, 2015 Holowai Place, Wailuku
- Molokai: Kahale Mua, Maunaloa, Molokai

Digital copies of each draft are also available on the HPHA's website at: <https://hpha.hawaii.gov/plans-reports>

The public hearing will take place on:
Monday, March 4, 2024, at 5:00 p.m.

Remote Meeting:
 The public may participate in the public hearing electronically via Zoom using the following link:
<https://us06web.zoom.us/j/87825266494?pwd=cDQxOjU6ut0bbmQkSjMlFfcEdB3wY8.1>
 When prompted, enter the **Meeting ID: 878 2526 6494**, and the **Password: 5WApfb**.

Alternatively, the public may participate via telephone by calling **1-346-248-7799**. When prompted, callers should enter the **Meeting ID: 878 2526 6494**, and the **Password: 044636**. The HPHA requests that meeting participants show their first and last name.

Physical Meeting Location:
 The public may attend the public hearing at 1002 North School Street, Building A Conference Room, Honolulu, HI 96817, which will also be connected to the remote meeting via Zoom.

All interested persons are invited to provide oral or written comments on the PHA Plans and MTW Supplements. All comments received will be considered and incorporated appropriately into the applicable document. Oral comments may be presented during the public hearing. Persons who cannot attend the hearing and prefer not to provide written comments may call (808) 436-7183 to submit their comments as a voicemail message.

Written comments may be presented to the presiding officer at the public hearing, or mailed to the HPHA, Attention: PEO Public Hearing, at 1002 North School Street, Honolulu, Hawaii 96817. Written comments may also be faxed to (808) 832-4679 or sent by electronic mail to hpha@hawaii.gov. Written comments not presented at the public hearing should be received by the HPHA's Administrative Office by 4:30 p.m. on March 4, 2024.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Benjamin Park at (808) 832-4693 as soon as possible, preferably by February 26, 2024. If a response is received after February 26, 2024, the HPHA will attempt to obtain the auxiliary aid/service or accommodation, but cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate forms such as large print, Braille, or electronic copy.

HAKIM OUANSAFI
 Executive Director
 Hawaii Public Housing Authority
 Department of Human Services

HPHA does not discriminate against any person because of race, color, religion, sex, physical or mental disability, familial status, ancestry/national origin, age, marital status, HIV infection or sexual orientation and gender identity.



NOTICE OF PUBLIC HEARING

Pursuant to 24 CFR 903.17 and the MTW Operations Notice, the Hawaii Public Housing Authority (HPHA), Department of Human Services, hereby provides notice that it will hold a public hearing on (1) the 5-Year Public Housing Agency (PHA) Plan for Fiscal Years 2025 to 2029, (2) the Annual PHA Plan for Fiscal Year 2024-2025, (3) the Moving to Work (MTW) Supplement for Fiscal Year 2024-2025, and (4) the Amended MTW Supplement for Fiscal Year 2023-2024.

Background: The HPHA is developing its 5-Year PHA Plan and Annual PHA Plan as required by the Quality Housing and Work Responsibility Act (QHWRA) of 1998. The QHWRA was enacted to revitalize, improve, and make significant changes to the federal public housing and Housing Choice Voucher programs. PHA Plans describe how federally-funded programs administered by the HPHA will be operated and managed during the applicable fiscal year(s). The HPHA also uses the PHA Plans to inform the U.S. Department of Housing and Urban Development (HUD), its residents, and the public of the specific strategies it will employ to address the housing needs of low-income families within its jurisdiction.

The HPHA will include an MTW Supplement for Fiscal Year 2024-2025 as an attachment to the Annual PHA Plan for Fiscal Year 2024-2025. An MTW Supplement provides information on all future and ongoing MTW-related policies, waivers, and activities. Submittal of the MTW Supplement is a requirement for all expansion PHAs participating in the MTW Demonstration Program. For more information on the MTW Demonstration Program, please see the MTW Operations Notice, published in the Federal Register as FR-5994-N-05.

Finally, the HPHA is proposing an amendment to its MTW Supplement for Fiscal Year 2023-2024, which was submitted to HUD on March 29, 2023, and received final approval on June 2, 2023. Specifically, the amended MTW Supplement includes a request for HUD approval of MTW Waiver 3.b, which would allow the HPHA to conduct reexaminations of HCV families biennially (i.e., every two years).

Public Review: The drafts of the (1) 5-Year PHA Plan for Fiscal Years 2025 to 2029, (2) the Annual PHA Plan for Fiscal Year 2024-2025, (3) the MTW Supplement for Fiscal Year 2024-2025, and (4) the Amended MTW Supplement for Fiscal Year 2023-2024 are available for public viewing at the HPHA School Street Administrative Campus and the site management offices on weekdays between 7:45 a.m. to 4:30 p.m.

HPHA Administrative and Section 8 Offices, 1002 North School Street, Honolulu

Oahu: Puuwai Momi Office, 99-132 Kohomua Street, Aiea
Oahu: Kalihi Valley Homes Office, 2250 Kalena Drive, Honolulu
Oahu: Mayor Wright Homes Office, 521 North Kukui Street, Honolulu
Oahu: Kalakaua Homes Office, 1545 Kalakaua Avenue, Honolulu
Oahu: Kalanihulia Office, 1220 Aala Street, Honolulu
Oahu: Hale Poi Office, 1001 North School Street, Honolulu
Oahu: Waimaha Sunflower Office: 85-186 McArthur Street, Waiānae
Oahu: Koolau Village Office: 45-1027 Kamau Place, Kaneohe
Oahu: Kauhale Nani Office: 310 North Cane Street, Wahiawa
Oahu: Palolo Valley Homes Office: 2107 Ahe Street, Honolulu
Oahu: Kuhio Homes Office: 1475 Linapuni Street, Honolulu

Hawaii: Lanakila Homes Office, 600 Wailoa Street, Hilo
Hawaii: Ka Hale Kahaluu Office, 78-6725 Makolea Street, Kailua-Kona

Hawaii: Noelani II Office, 65-1191 Opelo Road, Kānuela

Kauai: Kapaa Office, 4726 Malu Road, Kapaa

Mau: Kahekili Terrace, 2015 Holowai Place, Wailuku

Molokai: Kahale Mua, Maunaloa, Molokai

Digital copies of each draft are also available on the HPHA's website at: <https://hpha.hawaii.gov/plans-reports>

The public hearing will take place on:

Monday, March 4, 2024, at 5:00 p.m.

Remote Meeting:

The public may participate in the public hearing electronically via Zoom using the following link: <https://us06web.zoom.us/j/87825266494?pwd=cDQxOLGut0hhMjVKSIMPfEdB3wY8.1> When prompted, enter the Meeting ID: 878 2526 6494, and the Password: 5WApfb.

Alternatively, the public may participate via telephone by calling 1-346-248-7799. When prompted, callers should enter the Meeting ID: 878 2526 6494, and the Password: 044636. The HPHA requests that meeting participants show their first and last name.

Physical Meeting Location:

The public may attend the public hearing at 1002 North School Street, Building A Conference Room, Honolulu, HI 96817, which will also be connected to the remote meeting via Zoom.

All interested persons are invited to provide oral or written comments on the PHA Plans and MTW Supplements. All comments received will be considered and incorporated appropriately into the applicable document. Oral comments may be presented during the public hearing. Persons who cannot attend the hearing and prefer not to provide written comments may call (808) 436-7183 to submit their comments as a voicemail message.

Written comments may be presented to the presiding officer at the public hearing, or mailed to the HPHA, Attention: PEO Public Hearing, at 1002 North School Street, Honolulu, Hawaii 96817. Written comments may also be faxed to (808) 832-4679 or sent by electronic mail to hpha@hawaii.gov. Written comments not presented at the public hearing should be received by the HPHA's Administrative Office by 4:30 p.m. on March 4, 2024.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Benjamin Park at (808) 832-4693 as soon as possible, preferably by February 26, 2024. If a response is received after February 26, 2024, the HPHA will attempt to obtain the auxiliary aid/service or accommodation, but cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate forms such as large print, Braille, or electronic copy.

HAKIM OUANSAFI
Executive Director
Hawaii Public Housing Authority
Department of Human Services

HPHA does not discriminate against any person because of race, color, religion, sex, physical or mental disability, familial status, ancestry/national origin, age, marital status, HIV infection or sexual orientation and gender identity.

(MN: Jan. 19, 2024)

CPK7

Attendance Sheet

**PUBLIC HEARING
Monday, March 4, 2024**

5:00 p.m. Annual PHA Plan for FY 25
 5-Year PHA Plan for FYs 25-29
 MTW Supplement for FY 25
 Amended MTW Supplement for FY 24

Name	Organization	Address	Telephone No.	Check here if testifying
J. Wei		730 Captain Cook Ave. Honolulu, HI 96813	(808)393-5184	✓
Ricky Roosevelt		Lokahi Circle		✓
Nicolas Ayabe	HPHA			
Benjamin Park	HPHA			
Sarah Beamer	HPHA			

Public Testimony

On January 19, 2024, the HPHA published a public hearing notice in the Honolulu Star-Advertiser, The Garden Island, The Maui News, West Hawaii Today, and Hawaii Tribune Herald. A draft of the Five-Year PHA Plan for FYs 25-29 was made available at all HPHA AMP offices and on the HPHA's website. A public hearing was held in-person and online on March 4, 2024.

Public Testimony

The HPHA received comments about safety concerns at Punchbowl Homes. The testifier stated that the key fob system for the front door has been broken since renovations were completed in mid-2023.

HPHA Response

The HPHA thanked the testifier for their comments and clarified that it is aware of the issue at Punchbowl Homes regarding the front door's key fob system. The HPHA is in negotiations with the contractor that performed the renovations over how to proceed with repairs. The Planning and Evaluation Office collected the testifier's contact information in order to provide updates as soon as the process to repair the doors can move forward.

Public Testimony

The HPHA received a question from a resident of a State public housing project about how to apply for a Housing Choice Voucher (HCV) with the HPHA.

HPHA Response

The HPHA informed the resident that the HPHA's HCV Program operates only on the island of Oahu. The HPHA suggested the resident contact the Hawaii County Office of Housing and Community Development which administers the HCV Program for the island of Hawaii.