

## **Proposed Amendments to the ACOP and HCV Administration Plan**

Below is a listing of proposed amendments to the Public Housing Admissions and Continued Occupancy Policy (ACOP) and the Housing Choice Voucher Program Administrative Plan (Admin Plan) that are “significant amendments or modifications” to the policies resulting in a substantial effect on residents and therefore, subject to public comment.

In addition, amendments to the ACOP and Admin Plan that are authorized by the MTW Year 13 Plan are included in the documents and may not be subject to public comment.

### **ACOP Amendments**

#### **I. Chapter 3: FAIR HOUSING & EQUAL OPPORTUNITY**

##### **Page 10 – Violence Against Women Act**

PHA has revised its policy to provide safety and structure to victims of domestic violence, dating violence, sexual assault, and stalking. In the development and implementation of this policy, PHA incorporates Department of Justice (DOJ) and Office on Violence Against Women’s (OVW) modifications to the recently reauthorized Violence Against Women Act (VAWA) enacted March 7, 2013. The reauthorization creates new, and amends existing, grant programs and strengthens federal laws for the protection of victims of domestic violence, dating violence, sexual assault, and stalking. Under the reauthorization, VAWA now extends protection to the following:

- 1.) Public Housing Residents – any individual living in a federally-subsidized established to provide decent and safe rental housing for eligible low-income families, the elderly, and persons with disabilities.<sup>1</sup>
- 2.) Immigrants – a person who migrates to another country, usually for permanent residence.<sup>2</sup>
- 3.) Lesbian, Gay, Bisexual, or Transgendered (LGBT) – an initialism that stands for lesbian, gay, bisexual, and transgendered
- 4.) College Student – an individual enrolled part- or full-time at college or university
- 5.) Youth – a person who is 11 to 24 years old.
- 6.) Victim – a person having been subjected to domestic and sex-crime victims rape, spousal abuse, and gender-based crimes

#### **Definitions as Used in the Violence Against Women Act**

The definitions applicable to the Violence Against Women Act (VAWA) are the following:

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<sup>1</sup> "Public Housing." *HUD.gov - U.S. Department of Housing and Urban Development*. U.S. Department of Housing and Urban Development, Unknown. Web. 1 Mar. 2014.

<[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/ph](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph)>.

<sup>2</sup> *www.wikipedia.org*. Dictionary.com, 13 Feb. 2014. Web. 2014. <<http://dictionary.reference.com/browse/immigrants>>.

**Domestic Violence:**

**New Recommended Language** - Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, a person with whom the victim shares a child, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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 who committed a crime against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Existing Language** - The term domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, 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.

**Dating Violence:**

**New Recommended Language** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such a relationship is determined based on the following factors: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

**Existing Language** - The term dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

**Stalking:**

**New Recommended Language** - Engaging in a course of conduct directed at a specific person causing a reasonable person to fear for his or her safety or others or suffer substantial emotional distress.

**Existing Language** – Stalking Means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
- To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
- In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

**New Recommended Language** - **Sexual Assault**: any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**New Recommended Language** -**Affiliated Individual**:

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage.

## II. Chapter 14: TRANSFER POLICY

Page 109 – Reasonable Accommodation

**Existing Language** – PHA will transfer resident families with a member that has a verifiable disability that requires an accommodation that cannot be reasonably provided in the resident family’s existing unit. These transfers are resident initiated and are not mandatory.

**New Recommended Language** – PHA will transfer resident families with a member that has a verifiable disability that requires an accommodation that cannot be reasonably provided in the resident family’s existing unit. These transfers are resident initiated and will be granted only if the tenant demonstrates a relationship between their disability and the need for a transfer.

Page 110 – Reasonable Accommodation

Examples of the types of Reasonable Accommodation requests warranting a transfer may include:

**New Recommended Language** - The need to be located in a particular area that has been verified to alleviate a household member’s mental or psychological impairment

## III. Chapter 19: REASONABLE ACCOMMODATIONS

Page 142 – Processing Reasonable Accommodation Requests

**Existing Language** – PHA will provide applicants with a Request for Reasonable Accommodation Form. The Form shall be provided in an alternative format, upon request.

**New Recommended Language** – PHA will provide applicants with a Request for Reasonable Accommodation Form. However, PHA will accept any other written or verbal communication as a valid request, as long as the communication meets the criteria outlined in this Chapter under “Request for an Accommodation”.

## Admin Plan Amendments

### IV. Chapter 4: FAIR HOUSING & EQUAL OPPORTUNITY

#### Page 15 – Violence Against Women’s Act Protections

#### **Definitions as Used in the Violence Against Women Act**

The definitions applicable to the Violence Against Women Act (VAWA) are the following:

#### **Domestic Violence:**

**New Recommended Language** - Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, a person with whom the victim shares a child, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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 who committed a crime against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Existing Language** - The term domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, 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.

#### **Dating Violence:**

**New Recommended Language** - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such a relationship is determined based on the following factors: length of the relationship, type of relationship, and frequency of interaction between the persons involved in the relationship.

**Existing Language** - The term dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

#### **Stalking:**

**New Recommended Language** - Engaging in a course of conduct directed at a specific person causing a reasonable person to fear for his or her safety or others or suffer substantial emotional distress.

**Existing Language** – Stalking Means:

- To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or

- To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
- In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

**New Recommended Language** - **Sexual Assault:** any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**New Recommended Language** - **Affiliated Individual:**

- A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- Any other person living in the household of that person and related to that person by blood and marriage.