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: 02/29/2016

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

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

A. PHA Information.

A.1 **PHA Name**: __Kauai County Housing Agency_____ **PHA Code**: ___HI005_____

PHA Plan for Fiscal Year Beginning: (MM/YYYY): _07/2019_____
PHA Plan Submission Type: ☐ 5-Year Plan Submission ☒ Revised 5-Year Plan Submission

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

Kauai County Housing Agency
Pi`ikoi Building
4444 Rice Street, Suite 330
Lihu`e, Hawaii 96766

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

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

	5-Year Plan. Required for all PHAs completing this form.
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. **To provide greater opportunities for affordable housing and support community development for the residents of the County of Kauai.**
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. **See attached Exhibit A. REVISED: Change in Department structure**
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. **See attached Exhibit B.**
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. **KCHA is committed to ensure the physical safety of victims of actual and threatened domestic violence, dating violence, or stalking who are assisted by the PHA. We provide and maintain housing opportunities for these type of victims and collaborate with law enforcement authorities and victim service providers to promote their safety and well-being.** **KCHA staff has received training about the protection afforded by VAWA. KCHA provides all participants with information about VAWA at the time of admission, annual reexamination and with all notices of denial and/or termination of assistance.** **The PHA policies for VAWA is documented in its Administration Plan: Chapter 3 III G, 12 II E, and 16 IX. Documents attached as Exhibit C.**
B.5	**Significant Amendment or Modification**. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan. **Significant Amendment or Modification are defined as substantial, discretionary changes in the plans or policies of the PHA that fundamentally changes the goals, mission, objectives, and/or plans of the agency, which requires formal approval from the County of Kauai Council and/or Administrative Board.**
B.6	**Resident Advisory Board (RAB) Comments.** (a) Did the RAB(s) provide comments to the 5-Year PHA Plan? Y N ☐ ☒ (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. **At this time, PHA does not have a RAB, as it struggles to identify participants willing to meet and discuss program. HCV Manager has been reviewing requirements and working on new PHA procedures to gain participation from clients to form the required PHA's RAB.**
B.7	**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. **See attached Exhibit D.**

5 YEAR PHA PLAN 2020-2024
EXHIBIT A

EXPAND THE SECTION 8 HOUSING CHOICE VOUCHER TO 100% LEASE UP

Objective 1 – Expend 100% of the HCV Program's Annual Budget.

- Achieve a monthly average of 1,000active vouchers.
- Achieve an annual lease up rate of 60%.

Objective 2 – Issue 100 new vouchers yearly

- Contract 50% of maximum Project Based Voucher (PBV) issuance.
- Transition 50 Tenant-Based Rental Assistance (TBRA) Program families to the HCV Program.
- Process 3,000 new Waitlist applicants.

Objective 3 – The Family Self-Sufficiency (FSS) Program will support the HCV program households to increase their earned income and to reduce the dependency on public assistance.

- Increase cumulative yearly enrollment of 75 to 95 households.
- Graduate 25 households who meet self-sufficiency standards.
- Assist 75 households with gaining employment.

DEVELOP AND PRESERVE AFFORDABLE HOUSING AND SUPPORT COMMUNITY DEVELOPMENT

Objective 1 – Support the development of 2,000 new housing units

- The County will develop 125 units per year.
- Execute Development Agreements via public-private partnerships (P3).
- Utilize Low-Income Housing Tax Credit (LIHTC) financing.
- Complete pre development work.
- Leverage HUD funds to develop.
- Support CIP infrastructure projects.

Objective 2 – Preserve the long-term affordability and existing stock of affordable housing inventory.

- Complete rehabilitation and maintenance to impact existing affordable units.
- Establish a Community Land Trust.

Objective 3 – Generate $25 million of economic investment for the County.

- Timely expend federal funds.
- Prioritize housing and community development projects that minimally leverages five dollars of funds for every one dollar of Housing Agency funds.
- Infuse County's rental market with $6.5 million of rental assistance payments.
- Commence construction on one affordably housing project per year.

DEVELOP AND EXPAND COUNTY HOMELESS SERVICES *(*REVISED 2/23/2021)*

Objective 1 – Build a Second Supportive Housing Project on Kealaula Model.

- Identify a site and complete second project in West Kauai.
- Learn from existing Kealaula model to implement sustainable supportive services program.

Objective 2 – Support homeless solutions.

- Provide support services for permanent housing.
- Build a cooperative relationship with traditional state based homeless programs
- Implement the Coordinated Entry System and Housing First model.
- Expand membership in the Kauai Continuum of Care.

Objective 3 - Expand Tenant Based Rental Assistance Program for Homeless Families.

- Achieve a monthly average of 50 active vouchers.
- Expand cooperative relationship with Kauai Continuum of Care caseworker partners.

INCREASE FINANCIAL CAPACITY TO SUPPORT THE STRATEGIC PLAN.

Objective 1 - Increase public awareness of the Hosing Agency and its services.

- Represent the Housing Agency on public advisory boards and task forces.
- Conduct public outreach workshops focused on housing programs.
- Assist families to obtain home ownership.

Objective 2 – Support legislative policies that promote the development of affordable housing.

- Amend the Housing policy.
- Established dedicated fund for affordable housing.
- Provide administrative support and applicable exemptions to qualified projects.

Objective 3 – Support the profession growth of the Housing Agency staff.

- Conduct annual staff performance evaluations and provide adequate training for professional development.
- Compose operational manuals for each Division.
- Create an electrical central library of Housing Resources.

Kaua'i County Housing Agency
Progress Report
Exhibit B

Preserve tenant-based rent subsidies under the Section 8 Housing Choice Voucher Program

Objective 1 – Maintain lease-up percentages at or above 98% of HAP budget to maintain budget levels.
The Housing Choice Voucher Program utilized 103.3% of annual budget authority for 2018.

1. Work closely with fiscal to develop additional monitoring worksheets to enable the agency to immediately respond to changing participation rates.

   The Housing Choice Voucher Program utilizes the HUD provided 2-year forecasting tool as well as Nan McKay funding worksheets and program worksheets within the agency's Housing Pro software system to determine levels of funding versus lease-up.

2. Pursue additional opportunities to add to the agency's supply of Housing Choice Vouchers.

   The Housing Agency continues to pursue the utilization of Project-Based Vouchers (PBV) in conjunction with the Administrative Plan. The Housing Agency anticipates utilizing up to 20% of vouchers for PBV. The Housing Agency currently has 1,160 units under Annual Contributions Contract (232 units maximum for PPV). Units selected for PBV will in accordance with the Administrative Plan, be in areas that provide for deconcentrating poverty and expanding housing and economic opportunity. PBV units will also be located in areas that meet neighborhood standards in accordance with HUD regulations at 24 CFR 983.57.
   Currently, KCHA has 33 approved PBV units ready to be utilized in FY20 at Koa`e Makana (south sided district), 8 PBV units are being processed to be approved and utilized in the West Kauai district, and up to 30 more PBV units will be processed for existing properties island wide.

Objective 2 – Increase access to rental housing opportunities for low-income residents to increase voucher utilization rates.

1. Assist participants in the Housing Choice Voucher Program to overcome barriers and secure housing by expanding housing search resources, increasing counseling and training, and pursing other program innovations.

The Housing Choice Voucher Program continues to work closely with community agencies and service providers including those that are part of HUD's Continuum of Care to leverage resources and provide services such as deposit assistance to participants and applicants alike. Program participants will also be offered financial education resources gathered by the Family Self-Sufficiency Program that will education participants in budgeting, credit and counseling that will make the participants more knowledgeable and educated to overcome barriers and secure housing.

2. Identify and outreach to landlords who are not currently part of the Housing Choice Voucher Program.

   The Housing Agency in partnership with the Kaua'i Board of REALTORS and the local Continuum of Care conducted its second annual landlord summit on November 9, 2018. The summit brought approximately 50 interested landlords together with the Housing Choice Voucher Program and other community agencies and service providers to develop strategies for lease-up, occupancy and outreach. The summit also educated current and new landlords with the Housing Choice Voucher Program on the benefits of the program to landlords as well as program rules and procedures.
   On February 22, 2019, the Housing Agency presented its first inaugural Kauai Housing Summit, which was hosted by Kauai County Mayor Derek Kawakami. The Housing summit brought together up to 140 community members.The Housing Agency and its non profit partners collaborated with the community on the county's initiatives and tools used to develop affordable housing. Panel discussions yielded insight on how the County and the Housing agency can make adjustments to its development approach toward creating more units and partnerships to sustain affordable housing.

3. Track use of vouchers across the county and monitor trends and use the information to develop additional strategies.

   Due to the volatility of the rental market and short supply of affordable rental units, demand for rental units far exceeds supply. HUD Fair Market Rents have continued to decrease in the Housing Agency's jurisdiction. The Housing Choice Voucher Program has cautioned program participants on moving to new units due to the Fair Market Rent situation. The program is providing higher payment standards for families that have requested reasonable accommodations. The program also continues to utilize Rent o meter, an online electronic database providing rental information to provide up to date rent comparability figures. The program has been incorporating Rent o meter data for approximately three years.

   The Kaua'i County Housing Agency has procured a rent study will be submitted to HUD.

Objective 3 – Reduce the dependency of low-income families on the Housing Choice Voucher Program.

1. Increase Family Self-Sufficiency Program participation and graduation rates.

   The Housing Choice Voucher Program continues to work through its Family Self-Sufficiency Program to increase program participation and graduation rates through the use of one full-time and one part-time coordinators. At the conclusion of 2018, the Family Self-Sufficiency Program serviced:

   Total Participants (Households): 100
   Total Participants (Total Unduplicated Individuals): 336
   - *Individuals Under Age 6: 43*
   - *Individuals Age 6-17: 146*
   - *Individuals Age 18-30: 42*
   - *Individuals Age 31-50: 88*
   - *Individuals Age 51-61: 13*
   - *Individuals Age 62+: 4*

   Total Cost per Participant Household this Period: $1,719.30
   Total Participant Households with Earned Income: 71 (71%)
   - *Total Participant Households who Increased Earned Income this Period over Last Period: 46 (72%)*
   - *Average Increase in Earned Income: $15,844.89*

   Total Number of Households Enrolled Into Program this Period: 19
   Total Number of Households Exited Without Graduation this Period: 7
   Total Number of Households Graduated from Program this Period: 12
   Total Escrow Dollars Paid to Qualifying Graduates this Period: $59,345.52

2. Provide opportunities for education, job training and counseling.

   The Family Self-Sufficiency Program works with participants in achieving job training, education and counseling by connecting participants with services and resources within the community such as the local community college, vocational service providers, mental health and substance abuse counseling, homeownership counseling and financial education counseling. These providers are located within the Housing Agency's jurisdiction and conveniently accessible to participants.

3. Assist participants in job placement and increasing earned income.

The Family Self-Sufficiency Program works with participants in achieving job placement and increasing earned income by connecting participants with services and resources within the community such as the local workforce development office and vocational service providers. These providers are located within the Housing Agency's jurisdiction and conveniently accessible to participants. The program also participates in the Workforce Innovation & Opportunity Act system as a partner in the one-stop employment system and local workforce development board.

Maintain and expand affordable housing inventory to meet the needs of Kaua'i's population

Objective 1 – Establish a 5-year affordable housing development plan.

1. Complete an island-wide study to determine affordable/workforce housing demands.

   Completed during the FY2014 (7/1/13-6/30/14) annual plan.

2. Finalize a 5-year development plan.

   Currently analyzing study to develop the 5-year plan.

Objective 2 – Encourage, support and initiate development of 400 affordable housing units.

1. Identify and develop County properties that are ideal for affordable housing.

   Kaniko'o (formerly Rice Camp) Phase I was completed and opened in January 2015 (60 affordable senior housing units). Kaniko'o Phase II was completed in 2018. Kaniko'o Phase II comprises an additional 30 affordable senior housing units. Koa'e Makana is currently under construction and when completed in the summer of 2020 will comprise of 134 affordable units. Pua Loke Affordable Housing Project is currently in pre-development and will comprise of 50 affordable housing units.

2. Leverage County resources to support and encourage development of affordable housing.

   The Housing Agency will leverage HOME funds for the Koa'e Makana and Waimea Huakai Apartments development.

3. Purchase and/or accept land/housing with off-site infrastructure suitable for the public/private development of affordable housing units through Ordinance 860 or other ordinances.

The County previously accepted an 11-acre parcel with infrastructure in Koloa from A&B Properties that will become the Koa'e project comprising of 134 affordable housing units.

4. Organize stakeholder's common interest in order to partner and collaborate on efforts to leverage development resources.

   The County continues to utilize its Affordable Housing Task Force.

5. Actively support affordable housing projects through the organization of an Affordable Housing Task Force.

   The County continues to utilize its Affordable Housing Task Force.

6. Establish policies to "fast track" affordable housing development under Section 201H-38, Hawai'i Revised Statutes: exemption from statutes, ordinances, charter provisions and rules.

   The Housing Agency and County completed its 201H-38 application in mid-2016 and submitted the application to the Hawai'i Housing Finance & Development Corporation. The 201H-38 application was approved by the Kaua'i County Council on August 18, 2016. The State of Hawai'i's Land Use Commission approved the request for district boundary amendment in July 2017 which will allow the Lima Ola affordable housing development to move forward in west Kaua'i County. This project is currently in pre-development.

7. Track and participate in County, State and Federal legislation.

   Ongoing efforts continue.

8. Amend Ordinance 860 to better support and promote affordable housing through developer exactions.

   In June of 2019, a Residential Nexus Analysis and Feasibility Study was completed for the County of Kauai to assist the County in making amendments to Ordinance 860.

Increase financial capacity to support the goals and objectives of the Housing Agency

Objective 1 – Increase development funding that will create 250 new affordable housing units.

1. Create a 5-year budget based on the Strategic Plan.

The agency continues to work through its accounting division to create a feasible budget despite limitations in software procurement and reductions in overall funding.

2. Identify and obtain at least two new sources of funding for the Housing Agency.

   The agency continuously evaluates the potential for tax revenue generating sources of income. Further, the Housing Agency continuously evaluates non-Federal funding opportunities such as state funding or private third-party funding to support agency programs and operations.

Objective 2 – Maintain administrative and operational budget over the next 5 years.

1. Increase program income stream to support 50% of administration and new affordable housing production.

   The agency continues to work toward increasing lease-ups within the Housing Choice Voucher Program to maintain or increase administrative fee income to support the administrative and operational budget.

2. Obtain administration and council support to fund development projects.

   The agency continues to receive administration and council support to fund development projects as well as support agency activities overall.

Provide efficient, consistent and quality delivery of services

Objective 1 – Increase operational efficiency in order to maintain the same operational budget for the next 5 years.

1. Reorganize staff roles and job descriptions so that work loads are more evenly balanced and tasks more effectively completed.

   In March of 2016, the agency received new leadership as its former Special Assistant to the Housing Director was promoted to Director and its former Section 8 Program Manager stepped into a different position within the agency. The agency's Family Self-Sufficiency Coordinator was subsequently promoted to become the new Section 8 Program Manager. Leadership continues to evaluate agency job descriptions and workloads and implement changes as needed.

2. Update and improve operations and services by implementing appropriate electronic support technologies.

   The agency upgraded to the newest version of its management information system that is used in all facets of program operations. The system is called Housing Pro 9.1 from HAPPY Software. The new 9.1 version of the system

yields greater efficiency and improved operational streamlining that will create greater efficiency. Additionally, the agency is evaluating add-on components to its Housing Pro software. The software currently has an add-on module that allows for document digitization of tenant and landlord documents thereby reducing paper, file storage space and improving efficiency and customer service. Implementation of these add-on modules would occur sometime in FY2019.

3. Clarify or create procedures that increase efficiency and quality of services.

   The agency adopted an operations handbook in January 2017 for the Section 8 Housing Choice Voucher Program. The purpose of the operations handbook is to codify daily procedures and workflow by each function of the program. The operations handbook has been designed to be used in conjunction with the agency's Administrative Plan and third-party training and reference materials from Nan McKay & Associates. The operations has also been designed as a "living document" that can be revised and evolve as the program evolves.

Objective 2 – Establish assessment and evaluation procedures that measure progress as it relates to the goals and objectives.

1. Administer annual evaluation and goal setting for all staff.

   Annual evaluation and goal setting for all staff is ongoing and completed annually.

2. Create a procedure to evaluate the Housing Agency's progress as it relates to its goals and objectives.

   The agency and program leadership meets with all staff on a regular basis. Goals and objectives are monitored for progress and feedback is obtained from staff.

3. Create service evaluation and/or surveys to encourage feedback from clients, grantees and consultants.

   The Section 8 Program previously conducted customer satisfaction surveys for tenants and landlords via a paper and mail survey system. The program will further look to utilize electronic evaluation survey methods in 2017-2018.

Promote and sustain community development activities

Objective 1 – Increase funding

1. Identify and obtain other sources of funding that can promote and leverage community development.

The Housing Agency leadership continues to research and develop other sources of funding for the agency in collaboration with the administration. The Housing Agency's Housing Choice Voucher Program implemented a tenant-based rental assistance program with HOME funding in November 2016. The purpose of this funding will be to provide rental security deposit, rent assistance and utility deposits for families with children. HOME and National Housing Trust Funds (HTF) will be utilized for development of the 134 rental units at the Koa'e Workforce Housing project. HOME funds will be utilized for the development of 34 rental units at the Waimea Huakai Apartments.

2. Utilize Community Development Block Grant to assist private organizations in providing services for substance abuse, mental health, employment training and childcare for the target populations of youth, adults, seniors and people with disabilities.

   The Housing Agency utilizes Community Development Block Grant funding annually to assist private organizations in providing services for substance abuse, mental health, employment training and childcare for the target populations of youth, adults, seniors and people with disabilities. For 2018, over $708,000 has been awarded to various community agencies and programs:

   - *Kaua'i Economic Opportunity, Inc. Emergency Homeless Shelter Rehabilitation: Rehabilitate the shelter to improve and/or correct ADA accessibility extend the life of the shelter.*
   - *Hawaiian Community Assets, Inc. Homeownership Education and Counseling Project: Provide HUD-certified housing education workshops and counseling to low- to moderate-income individuals or households in order to increase homeownership opportunities and prevent foreclosure.*
   - *County of Kauai Departments of Parks and Recreation Kalena Park Rehabilitation: Rehabilitate the basketball court and restroom to improve the use and accessibility of the park located in a low-to-moderate income area neighborhood.*
   - *Homestead Community Development Corporation Local Family Small Homes Program: Provide outreach and training to increase access to knowledge and resources required to develop homes less than 640 square feet compliant to Kauai County Building Code.*

   The Housing Agency is in process of selecting project awards for the Community Development Block Grant Program for 2019 and readying for Mayor and County Council approval.

Objective 2 – Increase awareness

1. Foster relations with public entities and private organizations to build partnerships that can initiate and support community development.

   The Housing Choice Voucher Program will work with Mark Development, Inc. on potential for Project-Based Vouchers for the Koa'e development and with the Ahe Group on the Waimea Huakai Apartments.

EXHIBIT C

3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

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

Definitions of key terms used in VAWA are provided in section 16-IX of this plan, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification

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

PHA Policy

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

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

The PHA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-5382. The PHA will request in writing that an applicant wishing to claim protection under VAWA notify the PHA within 14 business days.

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Documentation

Victim Documentation [24 CFR 5.2007]

PHA Policy

If an applicant claims the protection against denial of assistance that VAWA provides to victims of domestic violence, dating violence, sexual assault or stalking, the PHA will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-IX.D of this plan.

Perpetrator Documentation

PHA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

This section describes the protections against termination of assistance that the Violence against Women Act of 2013 (VAWA) provides for victims of domestic violence, dating violence, sexual assault and stalking. For general VAWA requirements, key VAWA definitions, and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-IX of this plan.

VAWA Protections against Termination

VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking. (*Note:* The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program, as do the limitations discussed under the next heading.)

First, VAWA provides that a PHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the PHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4)].

Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [24 CFR 5.2005(c)(1)].

Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault or stalking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, or stalking [24 CFR 5.2005(c)(2)].

Fourth, it gives PHAs the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]

VAWA does not limit the authority of a PHA to terminate the assistance of a victim of abuse for reasons unrelated to domestic violence, dating violence, sexual assault or stalking so long as the PHA does not subject the victim to a more demanding standard than it applies to other program participants [24 CFR 5.2005(d)(1)].

Likewise, VAWA does not limit the authority of a PHA to terminate the assistance of a victim of domestic violence, dating violence, sexual assault or stalking if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property if the victim is not terminated from assistance [24 CFR 5.2005(d)(2)].

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

In order to demonstrate an actual and imminent threat, the PHA must have objective evidence of words, gestures, actions, or other indicators. Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

PHA Policy

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

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

Whether the threat is a physical danger beyond a speculative threat

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

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the participant wishes to contest the PHA's determination that he or she is an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing.

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Documentation of Abuse [24 CFR 5.2007]

PHA Policy

When an individual facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault or stalking claims protection under VAWA, the PHA will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-IX.D of this plan.

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases the PHA will document the waiver in the individual's file.

Terminating the Assistance of a Domestic Violence Perpetrator

Although VAWA provides protection against termination of assistance for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives the PHA the explicit authority to "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 terminating assistance to "or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant" [24 CFR 5.2009(a)]. This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance. This means that the PHA must follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

If the perpetrator remains in the unit, the PHA continues to pay the owner until the PHA terminates the perpetrator from the program. The PHA must not stop paying HAP until 30 days after the owner bifurcates the lease to evict the perpetrator. The PHA may pay HAP for the full month if the 30-day period will end mid-month [Notice PIH 2017-08].

If the perpetrator is the only participant eligible to receive assistance, the PHA will provide any remaining participant a chance to establish eligibility for the program. If the remaining participant cannot do so, the PHA will provide them with 30 days to establish eligibility for another housing program prior to termination of the HAP contract.

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

EXHIBIT 16-1: SAMPLE NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380

[Insert Name of Housing Provider]

Notice of Occupancy Rights under the Violence Against Women Act[1]

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 housing choice voucher 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 the housing choice voucher 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 housing choice voucher 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 the housing choice voucher 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.

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Removing the Abuser or Perpetrator from the Household

The PHA 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 the PHA chooses to remove the abuser or perpetrator, the PHA 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, the PHA 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, the PHA must follow federal, state, and local eviction procedures. In order to divide a lease, the PHA 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, the PHA 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, the PHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

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

   OR

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

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

The PHA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

The PHA's emergency transfer plan provides further information on emergency transfers, and the PHA 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

The PHA 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 the PHA must be in writing, and the PHA 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. The PHA 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 the PHA as documentation. It is your choice which of the following to submit if the PHA 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 the PHA 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 vounteer of a victim service provider, an attorney, a medical professional or a mental helth 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 the PHA has agreed to accept.

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

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

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

Confidentiality

The PHA 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.

The PHA must not allow any individual administering assistance or other services on behalf of the PHA (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.

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

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

VAWA does not limit the PHA'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, the PHA 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 the PHA 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 the PHA can demonstrate the above, the PHA 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.

© Copyright 2017 Nan McKay & Associates, Inc.
Unlimited copies may be made for internal use.

EXHIBIT D

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 2/29/2016**

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

I, __Derek S.K. Kawakami_____, the Mayor, County of Kauai
Official's Name *Official's Title*

certify that the 5-Year PHA Plan of the _____Kauai County Housing Agency_____
PHA Name

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of Impediments (AI) to Fair Housing Choice of the

_____County of Kauai_____
Local Jurisdiction Name

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

The Annual and 5-Year PHA Plans are consistent with the Consolidated Plan in that the PHA is developing and implementing strategies to meet local affordable housing needs by providing safe, decent and sanitary housing for residents and participants of the Housing Choice Voucher Program which meets low to moderate income objectives of the Consolidated Plan.

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	Title
Derek S.K. Kawakami	Mayor, County of Kauai
Signature	Date 3/3/21

form **HUD-50077-SL** (12/2014)