

PHA 5-Year and Annual Plan - Raleigh County Housing Authority (WV039)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011
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1.0	PHA Information PHA Name: <u>Raleigh County Housing Authority</u> PHA Code: <u>WV039</u> PHA Type: <input type="checkbox"/> Small <input type="checkbox"/> High Performing <input checked="" type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>July 2010</u>														
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: <u>30</u> Number of HCV units: <u>1,335</u>														
3.0	Submission Type <input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only														
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)														
	Participating PHAs PHA 1: PHA 2: PHA 3:	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	<table border="1"> <thead> <tr> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	No. of Units in Each Program		PH	HCV						
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PH	HCV														
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.														
5.1	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: <i>The Raleigh County housing Authority's mission is to assist low-income, very low-income and extremely low-income families to obtain safe, decent and affordable housing, primarily through the administration of the Section 8 Housing Choice Voucher Program, the Public Housing Program, and the Section 8 Moderate Rehabilitation Program. The Raleigh County Housing Authority is committed to operating its programs in an efficient, ethical and professional manner.</i>														

Goals and Objectives. *Identify goals and objectives that will enable the PHA to serve the needs of low-, very low-, and extremely low-income families for the next five years. Include a report on the progress the made in meeting goals and objectives described in the previous 5-Year Plan.*

PHA Goal: Expand the supply of assisted housing. Objectives:

(A) Apply for additional rental vouchers: The Raleigh County Housing Authority will seek additional Housing Choice Vouchers should they become available and will aggressively seek additional types of federal assistance for any new rental or homeownership programs that may be offered during the next five years in order to expand the range of housing choices; (B) Reduce public housing vacancies: (1) The Raleigh County Housing Authority will make its public housing developments more marketable to all applicable and qualified populations in the area by continuing to improve the physical condition, resident services, resident satisfaction, and manner of management; (2) The Raleigh County Housing Authority will encourage and promote a motivated work environment with capable and efficient employees who will operate in a courteous and customer-friendly manner; and (3) by April 30, 2011, the Housing Authority will have a waiting list of sufficient size so that its public housing units can be reoccupied within 21 days of the units becoming available; (C) Leverage private or other public funds to create additional housing opportunities: Should the opportunity become available, the Housing Authority will create additional housing opportunities by participating in federal and privately funded housing development programs such as the low-income housing tax credit program, the HOME program, and other non-federal housing operated by private non-profit organizations. The Housing Authority will, if the opportunity is available, partner with the Mountaineer Housing Development Corporation in this regard.

PHA Goal: Improve the quality of assisted housing. Objectives:

(A) Improve public housing management: (PHAS score) The Raleigh County Housing Authority will continue to strive for a perfect PHAS score each year, primarily by continuing to perform consistently in the areas in which it currently receives maximum scores and working to improve any areas in which past scores have been less than the maximum permitted. (B) Improve voucher management: (SEMAP score): The Housing Authority will continue to strive for a perfect PHAS score each year, primarily by continuing to perform consistently in the areas in which it currently receives maximum scores and working to improve any areas in which past scores have been less than the maximum permitted; (C) Increase customer satisfaction: The Housing Authority will continue to strive for the achievement of a level of customer satisfaction that gives the agency the highest possible score in this element of PHAS; (D) Concentrate on efforts to improve specific management functions: The Raleigh County Housing Authority sets as a goal the full compliance with all applicable standards and regulations, including governmental generally accepted accounting practices. Specific objectives include: (1) Operating so that its income exceeds expenses every year; (2) stepping up its anti-fraud efforts; and (3) maintaining its current level of public housing operating costs for three years despite inflation; and (E) Renovate or modernize public housing units: The Raleigh County Housing Authority will continue to seek federal funding for the modernization of its properties.

PHA Goal: Increase assisted housing choices. Objectives:

(A) Continue to provide voucher mobility counseling; (B) conduct outreach efforts to potential voucher landlords: The Raleigh County Housing Authority will continue its outreach program to attract new landlords to participate in its rental assistance program as needed.; (C) implement voucher homeownership program: The Housing Authority will implement a homeownership voucher program, the purpose of which is designed to promote and support homeownership by first-time homeowners. Through this program, housing assistance payments will be used to supplement the family's own income to facilitate the transition from rental to homeownership. The initial availability of these assistance payments will help the family pay the costs of homeownership.

PHA Goal: Provide an improved living environment. Objectives:

Implement public housing security improvements: Various public housing security measures will be undertaken or continued to improve security: (1) The Raleigh County Housing Authority will improve communications with the jurisdictions' police departments to receive expedient reports of crime at its public housing communities; (2) the Housing Authority will continue its efforts to have one active duty police officer residing in each of its public housing communities if it is financially feasible; (3) the Housing Authority will reduce its evictions due to use or possession of illegal drugs and for other criminal activities by 20% through aggressive applicant screening and education programs for adults and youth; (3) the Housing Authority will continue to maintain and monitor its security cameras in its public housing communities; and (4) the Housing Authority will continue to work with residents and appropriate law enforcement agencies to establish an officially recognized Neighborhood Crime Watch program.

PHA Goal: Promote self-sufficiency and asset development of assisted households. Objectives:

(A) Increase the number and percentage of employed persons in assisted families; (B) provide or attract supportive services to improve assistance recipients' employability: The Raleigh County Housing Authority will continue its collaboration with local social service agencies to promote increased employability of assisted household members by making referrals to job openings, increased awareness and access to education and training opportunities; (C) provide or attract supportive services to increase independence for the elderly or families with disabilities. The Housing Authority will continue its collaboration with local social services agencies that provide services for elderly residents and families with disabilities, including the Center for Independent Living, Veterans Administration, and related social agencies.

PHA Goal: Ensure equal opportunity and affirmatively further fair housing. Objectives:

(A) undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability: The Housing Authority will continue the enforcement of all rules and regulations to assure access to assisted housing without regard to a family or family member's race, color, religion, national origin, sex, familial status or disability; (B) undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability: The Housing Authority will continue the enforcement of all rules and regulations to assure a suitable living environment in assisted housing without regard to a family or family member's race, color, religion, national origin, sex, familial status or disability; and (C) undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required: The Housing Authority will continue with its affirmative measures that ensure accessible housing to all persons, including those who are disabled, without regard to the unit size required.

Progress in meeting goals and objectives described in the previous five-year plan:

During the past five years, the Raleigh County Housing Authority has met a number of goals and objectives, including: (a) applying for and receiving additional vouchers (for homeless veterans); (b) utilized Capital Funds for the upgrading of its public housing developments; (3) sought and utilized additional Capital Funds through the ARRA for the upgrading of public housing units; (4) enforced all rules and regulations to ensure equal opportunity and fair housing for all applicants and participants; (5) reduced its eviction rate due to use or possession of illegal drugs through aggressive screening of applicants; (6) reduced the number of crimes reported to local law enforcement agencies through more thorough screening of applicants and education of youth and adults; (7) became involved in the establishment of a nonprofit housing organization in an effort to increase the availability of affordable housing for low-income residents through the low-income housing tax credit program; and (8) joined a local landlord association to better educate owners of the voucher program in an effort to increase owner participation.

PHA Plan Update

(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:

No Plan elements have been revised since the last Annual Plan submission.

(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan.

Copies of the Five-Year and Annual Plan of the Raleigh County Housing Authority can be viewed and/or obtained at the Housing Authority's administrative offices at 282 George Street, Beckley, WV.

PHA Plan Elements

1. Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures: **Eligibility and Selection:** Public Housing: The Raleigh County Housing Authority verifies eligibility for admission when families are within a certain time of being offered a unit, generally within 60 days. In addition to the statutory requirements regarding family size and income, other factors used to establish eligibility include screen for criminal or drug-related activity, rental history, and inclusion on the West Virginia sex offender list. While the PHA does not access FBI criminal records, it does request criminal records from local and state law enforcement agencies. **Section 8:** The PHA, in addition to determining eligibility based on family size and family income, screens applicants for criminal and/or drug-related activity only to the extent required by law or regulation. Upon request, the housing authority will share criminal and drug-related activity and rental history, if known, with prospective landlords. **Waiting List:** For public housing program, the Housing Authority maintains a community wide list; interested persons may apply at either public housing development or at the authority's administrative office. For the Section 8 program, applicants may apply at the administrative office. Applicants may indicate on one waiting list whether they wish to be placed on all housing programs administered by the PHA.

Assignment: For public housing, applicants are ordinarily given two choices among vacant units before falling to the bottom of the waiting list.

Admission preferences: Admission preferences are given only for loss of residence due to fire or natural disaster. Otherwise, selection is made based on date and time of application. Detailed information relating to eligibility, selection, admission, waiting lists and assignment is contained in the housing authority's ACOP and Administrative Plan, both of which are available for public review. **Deconcentration:** The PHA has no developments covered by the deconcentration rule.

2. Statement of Financial Resources:

Public Housing Operating Subsidies: \$224,932

Other: \$3,000

Capital Funds: \$104,893

Dwelling Rent: \$40,900

HCV HAP: \$4,933,477

Non-Federal Sources: \$0

Interest Income: \$500

HCV Administrative Fee: \$640,803

Other: \$0

3. Rent Determination: **Public Housing:** The Housing Authority determines rent primarily on the basis of income, whereby a percentage is applied to the adjusted monthly income to determine TTP. However, it does have a deduction and/or exclusionary policy for the earned income of a previously unemployed household member and it has put into place ceiling rents at all developments, which were determined based on fair market rents. Also in place are flat rents, determined through a Sec. 8 rent reasonableness study of comparable housing, a survey of rents listed in local newspapers, and current and past operating budgets. **Section 8:** Rent determinations are made on the basis of a percentage of income, with the payment standard being 100% of FMR. There is a minimum rent requirement, and payment standards are reevaluated annually. Detailed information is contained in the housing authority's ACOP and Administrative Plan, both of which are available for public review.

6.0

4. Operations and Management: Both the Section 8 and the public housing programs are governed in accordance with all applicable federal rules and regulations. All public housing units are required to meet applicable HQS and REAC standards, in addition to any standards developed by the PHA, which include monthly extermination services for the prevention or eradication of pest infestation, including cockroaches. All units rented by HCV participants are inspected at least initially and annually for HQS compliance and at any other time as may be necessary.

5. Grievance Procedure: A detailed grievance procedure has been adopted by the Raleigh County Housing Authority for both the Section 8 and the public housing programs. Copies of the grievance policies are available for review. Basically, participants are given prompt notice of the decision to terminate their assistance, in most cases, 30 days' notice. The tenant/resident is given 10 days to request an informal hearing, at which they may bring witnesses or representation. An unbiased hearing officer will hear the grievance and will issue a written decision within 14 days, during which time termination proceedings are on hold. If the client is not satisfied with the decision, a formal hearing or court hearing may be held.

6. Designated Housing for Elderly and Disabled Families: The Raleigh County Housing Authority has not designated any housing specifically for elderly and disabled families, nor does it intend to make any such designations in the coming fiscal years.

7. Community Service and Self-Sufficiency: The Raleigh County Housing Authority currently follows and will continue to follow all federal regulations regarding Community Service requirements. A copy of the authority's policy is available upon request. The Housing Authority has discontinued its Section 8 self-sufficiency program and does not administer a self-sufficiency program in its public housing operations.

8. Crime and Safety Prevention: The Raleigh County Housing Authority constantly remains cognizant about the need for safety and crime prevention at its public housing developments. To help both combat and prevent crime and safety issues, the Housing Authority installed surveillance cameras at both sites for monitoring outside events at all times, but especially during evening hours and weekends. The need for this surveillance through the use of recording devices remains and will be continued. This is the primary crime prevention activity conducted, and it remains a very good deterrent for unwanted and undesirable activities and has been and will continue to be useful for prosecutions, when needed. The Housing Authority hopes to upgrade all camera equipment through the Capital Funds program within the next two years.

9. Pets. The Housing Authority has adopted a pet policy, which is available for review upon request.

10. Civil Rights Certification: The Housing Authority continually strives to be in compliance with all Civil Rights laws and regulations and has signed a Civil Rights Certification, which is attached to this Plan.

11. Fiscal Year Audit: Audit results have been submitted to the Baltimore Office of HUD and are available for public viewing at the PHA.

12. Asset Management: The Raleigh County Housing Authority is exempt from asset management.

13. Violence Against Women Act: A VAWA policy has been adopted and is available for review upon request.

7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. Include statements related to these programs as applicable.</p> <p><i>The Raleigh County Housing Authority is not involved with any of the programs identified above and thus provides no statements related to these programs.</i></p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p> <p><i>A Capital Fund Program Annual Statement/Performance and Evaluation Report is attached.</i></p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p> <p><i>A Capital Fund Program Five-Year Action Plan is attached.</i></p>
8.3	<p>Capital Fund Financing Program (CFFP).</p> <p><input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p>

Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

1. Statement of Housing Needs [24 CFR Part 903.12 (b), 903.7(a)]

A. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

9.0

Housing Needs of Families on the PHA's Waiting Lists			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Section 8 tenant-based assistance			
	# of families	% of total families	Annual Turnover
Waiting list total	917		
Extremely low income <=30% AMI	695	75.79%	
Very low income (>30% but <=50% AMI)	165	17.99%	
Low income (>50% but <80% AMI)	51	5.56%	
Families with children	578	63.03%	
Elderly families	36	3.93%	
Families with Disabilities	87	9.49	
Race/ethnicity - Caucasian	814	88.77%	
Race/ethnicity - Black	86	9.05%	
Race/ethnicity - Am. Ind.	3	.33%	
Race/ethnicity - Other	14	1.53%	
Characteristics by Bedroom Size (Section 8 Only)			
1BR	401	43.73%	
2 BR	323	35.22%	
3 BR	187	20.39%	
4 BR	5	.55%	
0 BR	1	.11%	
5+BR	0	0	
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes: How long has it been closed (# of months)? 8 months			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			

Housing Needs of Families on the PHA's Waiting Lists			
Waiting list type: (select one)			
<input checked="" type="checkbox"/> Public Housing			
	# of families	% of total families	Annual Turnover
Waiting list total	53		60
Extremely low income <=30% AMI	45	84.91%	
Very low income (>30% but <=50% AMI)	8	15.09%	
Low income (>50% but <80% AMI)	0	0%	
Families with children	51	96.23%	
Elderly families	0	0%	
Families with Disabilities	2	3.77%	
Race/ethnicity - Caucasian	44	83.02%	
Race/ethnicity - Black	8	15.09%	
Race/ethnicity - Am. Ind.	1	1.89%	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	0	0	
2 BR	0	0	
3 BR	53	53	
4 BR	0	0	
5 BR	0	0	
5+ BR	0	0	
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
HOW LONG HAS IT BEEN CLOSED (# OF MONTHS)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes			

Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program
- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies

Strategy 2: Increase the number of affordable housing units by:

- Apply for additional section 8 units should they become available
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.

Strategy 3: Target available assistance to families at or below 30 % of AMI

- Adopt rent policies to support and encourage work

Strategy 4: Target available assistance to families at or below 50% of AMI

- Employ admissions preferences aimed at families who are working
- Adopt rent policies to support and encourage work

9.1

Strategy 5: Target available assistance to the elderly:

- Apply for special-purpose vouchers targeted to the elderly, should they become available

Strategy 6: Target available assistance to Families with Disabilities:

- Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- Affirmatively market to local non-profit agencies that assist families with disabilities

Strategy 7: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs

Strategy 8: Conduct activities to affirmatively further fair housing

Select all that apply

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- Market the section 8 program to owners outside of areas of poverty /minority concentrations

(2) Reasons for Selecting Strategies

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Extent to which particular housing needs are met by other organizations in the community
- Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- Influence of the housing market on PHA programs
- Community priorities regarding housing assistance
- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups

<p>10.0</p>	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.</p> <ul style="list-style-type: none"> * Applied for and received 35 additional vouchers to implement an assistance program for homeless veterans, thus expanding housing opportunities; * Upgraded some portions of its surveillance cameras for increased crime and safety monitoring and deterrence; * Continued high-performer status for SEMAP; * Applied for and received additional funding for capital improvements at both housing developments (ARRA funding utilized); * Staff members attended Fair Housing training; * Worked with the establishment of a nonprofit housing organization to improve housing opportunities <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification"</p> <p>The Raleigh County Housing Authority is required to notify the Resident Advisory Board, the Board of Commissioners, and the U.S. Department of Housing and Urban Development of any "substantial deviation" or "significant amendment or modification" to the current Plan. As work progresses, the Housing Authority recognizes that conditions may change from time to time from the original anticipated project or plan, that there may be changes to certain rent and admissions policies, and that there may be a need to change programs and activities. The Housing Authority recognizes its duty and responsibility to the residents, Resident Advisory Board, and to the general public to notify them of a substantial deviation or significant amendment or modification of items. Therefore, any changes to the policies or activities described in the Plan will be subject to a full public hearing and HUD review before implementation.</p> <p>Accordingly, the Housing Authority defines "Substantial Deviation" and "Significant Amendment or Modification" as action that cause:</p> <ol style="list-style-type: none"> 1. Changes to rent or admissions policies or organization of the waiting list; 2. Additions of non-emergency work items (items not included in the annual statement or five-year action plan) that are significantly different than the work items listed or changes in use of replacement reserve funds under the Capital Fund Program; 3. Additions of new activities not previously included, if applicable; and 4. Any change with regard to demolition or disposition, designation, homeownership programs or conversion activities. <p>An exception to this definition will be made for any amendments or modifications that are adopted to reflect changes in HUD regulatory requirements. Such changes will not be considered significant amendments by the Housing Authority or by HUD.</p>
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<p>11.0</p>	<p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <ol style="list-style-type: none"> (a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only) (c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only) (d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only) (e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only) (i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)
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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 5-Year and Annual PHA Plans. 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 and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated hereunder 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

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia

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

5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. 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 its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: 1) development name and number; 2) designation type; 3) application status; 4) date the designation was approved, submitted, or planned for submission, and; 5) the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: (1) Any programs relating to services and amenities provided or offered to assisted families; (2) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; (3) How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. (Note: applies to only public housing).
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

- (a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm
Note: This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

(a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

(b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)

(c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. (Note: Standard and Troubled PHAs complete annually).

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

(a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*

(b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*

(c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*

(d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*

(e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*

(f) Resident Advisory Board (RAB) comments.

(g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.

(h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.

(i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary		Grant Type and Number		FFY of Grant: 2009	
PHA Name: Raleigh County Housing Authority		Capital Fund Program Grant No: WV15P03950109		FFY of Grant Approval: 2009	
		Replacement Housing Factor Grant No: N/A			
		Date of CFFP:			
Type of Grant		Reserve for Disasters/Emergencies		Revised Annual Statement (revision no:2)	
<input type="checkbox"/> Original Annual Statement		<input type="checkbox"/> Reserve for Disasters/Emergencies		<input checked="" type="checkbox"/> Revised Annual Statement (revision no:2)	
<input type="checkbox"/> Performance and Evaluation Report for Period Ending:				<input type="checkbox"/> Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Revised ²	Obligated	Total Actual Cost ¹
		Original			Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³	29,157	82,200	82,200	82,200
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)				
5	1411 Audit				
5	1415 Liquidated Damages				
7	1430 Fees and Costs		0		
8	1440 Site Acquisition	13,000			
9	1450 Site Improvement	17,000	12,693	0	0
10	1460 Dwelling Structures	36,000			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment	10,000	10,000	0	0
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.

² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.

⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary		FFY of Grant: 2009	
PHA Name: Raleigh County Housing Authority	Grant Type and Number Capital Fund Program Grant No: WV15P03950109 Replacement Housing Factor Grant No: Date of CFFP:	FFY of Grant Approval: 2009	
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Performance and Evaluation Report for Period Ending:		<input checked="" type="checkbox"/> Revised Annual Statement (revision no: 2) <input type="checkbox"/> Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost ¹
		Original	Revised ²
18a	1501 Collateralization or Debt Service paid by the PHA		Obligated
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		Expended
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant:: (sum of lines 2 - 19)	104,893	82,200
21	Amount of line 20 Related to LBP Activities	0	
22	Amount of line 20 Related to Section 504 Activities	0	
23	Amount of line 20 Related to Security - Soft Costs	0	
24	Amount of line 20 Related to Security - Hard Costs	0	
25	Amount of line 20 Related to Energy Conservation Measures	0	
Signature of Executive Director		Signature of Public Housing Director	
		Date 03-15-2010	
		Date	

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFFP Grants for operations.
⁴ RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and
 Capital Fund Financing Program

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 OMB No. 2577-0226
 Expires 4/30/2011

Part I: Summary		FFY of Grant: 2010 FFY of Grant Approval: 2010	
PHA Name: Raleigh County Housing Authority	Grant Type and Number Capital Fund Program Grant No: WV15P03950110 Replacement Housing Factor Grant No: Date of CFFP:		
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Reserve for Disasters/Emergencies		<input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost	Total Actual Cost¹
		Original	Obligated Expended
18a	1501 Collateralization or Debt Service paid by the PHA		
18ba	9000 Collateralization or Debt Service paid Via System of Direct Payment		
19	1502 Contingency (may not exceed 8% of line 20)		
20	Amount of Annual Grant:: (sum of lines 2 - 19)	105,000	
21	Amount of line 20 Related to LBP Activities	0	
22	Amount of line 20 Related to Section 504 Activities	0	
23	Amount of line 20 Related to Security - Soft Costs	0	
24	Amount of line 20 Related to Security - Hard Costs	0	
25	Amount of line 20 Related to Energy Conservation Measures	0	
Signature of Executive Director		Date 03-15-2010	Signature of Public Housing Director
			Date

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

: SUMMARY

Project Name/Number	Work Statement for Year 1 FFY 2010	Locality (City/County & State) Work Statement for Year 2 FFY 2011	Work Statement for Year 3 FFY 2012	<input type="checkbox"/> Original 5-Year Plan Work Statement for Year 4 FFY 2013	<input type="checkbox"/> Revision No: Work Statement for Year 5 FFY 2014
Physical Improvements Subtotal	Annual Statement	90,000	103,500	57,000	91,000
Management Improvements					
HA-Wide Non-dwelling Structures and Equipment					
ADMINISTRATION					
Other A&E		6,500	6,500	7,000	7,000
Operations		13,500	9,000	50,000	15,000
Construction					
Development					
Capital Fund Financing - Debt Service					
Total CFP Funds		110,000	119,000	114,000	113,000
Total Non-CFP Funds					
Grand Total		110,000	119,000	114,000	113,000

**Minutes of the Public Hearing
Held to solicit Public Comments on the
Raleigh County Housing Authority's Agency Plan**

A duly advertised Public Hearing was held at 5:00 p.m. on April 5, 2010 at the Raleigh County Housing Authority's administrative offices at 282 George Street, Beckley, WV. The purpose of the Public Hearing was to accept comments from the public as to the Housing Authority's proposed Five-Year and Annual Plan for the fiscal year beginning July 1, 2010.

There being no members of the public in attendance, the hearing concluded at 5:45 p.m.

**Comments Received from the Public
At a Public Hearing Held on April 5, 2010
In Regards to the Raleigh County Housing Authority's Five-Year
And Annual Plan**

No members of the public were in attendance at a duly advertised Public Hearing held on April 5, 2010 that was held to accept comments. As a result, there were no comments received to consider for inclusion in the Five-Year and Annual Plan. Additionally, no written comments have been received.

**Comments Received from the
Resident Advisory Board
In Regards to the Raleigh County Housing Authority's Five-Year and Annual Plan**

No comments were received regarding the Five-Year and Annual Plan from any member of the Raleigh County Housing Authority's Resident Advisory Board. Since there were no comments or recommendations, no analysis of the same was required. Likewise, there were no challenged elements from members of the RAB.

NOTICE TO THE PUBLIC

The Raleigh County Housing Authority has developed a draft Five-Year Agency Plan for Fiscal Years 2010-2014 in compliance with the Quality Housing and Work Responsibility Act of 1998. The plan is available for review at the Housing Authority's administrative office located at 282 George Street, Beckley, West Virginia. The Housing Authority's hours of operation are 8:30 a.m. to 4:30 p.m. Monday through Thursday and 8:30 a.m. to 4:00 p.m. on Fridays. The Housing Authority will accept written comments regarding the proposed Agency Plan. In addition, a public hearing will be held on Tuesday, April 5, 2010 at the Authority's office at 5:00 p.m. The public is invited to review the plan, to submit comments regarding the plan, and to attend the public hearing.

THE REGISTER-HERALD

10B ■ MONDAY, MARCH 15, 2010

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

**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/2011**

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

I, Joe W. Hatfield the Executive Director, WVHDF certify that the Five Year and
Annual PHA Plan of the Raleigh County Housing Authority is consistent with the Consolidated Plan of
the State of West Virginia prepared pursuant to 24 CFR Part 91.

 3-22-2010

Signed / Dated by Appropriate State or Local Official

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:
Board Resolution to Accompany the PHA 5-Year and Annual PHA Plan**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year and/or Annual PHA Plan for the PHA fiscal year beginning July 1, 2010, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work 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.
8. For PHA Plan that includes a policy for site based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
 - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

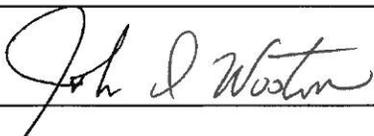
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

Raleigh County Housing Authority

WV039

PHA Name	PHA Number/HA Code
X 5-Year PHA Plan for Fiscal Years 20 ¹⁰ - 20 ¹⁴	
X Annual PHA Plan for Fiscal Years 20 ¹⁰ - 20 ¹⁰	

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 John D. Wooton	Title Chairman
Signature 	Date 04/06/2010

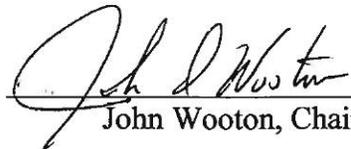
Board Resolution No. 2010-7 Approving Submission of Five-Year and Annual Agency Plan

WHEREAS, the United States Department of Housing and Urban Development requires that housing authorities every five years prepare and submit to that agency a Five-Year Agency Plan and an annual plan; and

WHEREAS, the Board of Commissioners of the Housing Authority of Raleigh County has reviewed a five-year and annual plan prepared for the fiscal year which begins July 1, 2010; and

WHEREAS, the Board is of the belief that all information contained in the report is true and accurate and that it accurately reflects the authority's current operations and its goals and objectives for the next five years and that it meets all HUD requirements.

THEREFORE, BE IT RESOLVED that on this 6th day of April, 2010, the Board of Commissioners hereby approves the Raleigh County Housing Authority's Five-Year and Annual Plan for the fiscal year beginning July 1, 2010 and the PHA Certification of Compliance with PHA Plans and Regulations, and hereby directs the Executive Director to submit to the Department of Housing and Urban Development such plan and certification.



John Wooton, Chairman

EXTRACT FROM MINUTES OF MEETING

EXTRACT FROM THE MINUTES OF A REGULAR MEETING OF THE HOUSING AUTHORITY OF THE COUNTY OF RALEIGH HELD ON THE 6TH DAY OF APRIL, 2010

The Housing Authority of the County of Raleigh met in a regular meeting in the City of Beckley, Raleigh County, West Virginia, at the place, hour and date duly established for the holding of such meeting.

The Chairman called the meeting to order on roll call and the following answered present:

John Wooton
Kathy Derrick
Robin Hairston

and the following were absent:

P.K. Ellison
Albert Martine

The Chairman declared a quorum present.

Resolution Introduction

The following resolution was introduced by Chairman John Wooton,
read in full and considered:

BOARD RESOLUTION NO. 2010-7 APPROVING SUBMISSION OF FIVE-YEAR AND ANNUAL AGENCY PLAN

Commissioner Robin Hairston moved that the foregoing resolution
be adopted as read, which motion was seconded by Commissioner Kathy Derrick
and upon roll call, the "Ayes" and "Nays" were as follows:

AYES

John Wooton
Kathy Derrick
Robin Hairston

NAYS

None

The Chairman thereupon declared said motion carried and
said Resolution adopted.

CERTIFICATE OF RECORDING OFFICER

I, Tony G. Bazzie, the duly appointed and acting Secretary of the Housing Authority of the County of Raleigh, do hereby certify that the attached extract from the minutes of the regular meeting of the Housing Authority of the County of Raleigh, held on the 6th day of April, 2010, is a true and correct copy of the original minutes of such meeting on file and of record insofar as they relate to the matters set forth in the attached extract, and I do further certify that each Resolution appearing in such extract is a true and correct copy of a Resolution adopted at such meeting and on file and of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the said Authority this 6th day of April, 2010.


Secretary

(SEAL)

Civil Rights Certification

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires 4/30/2011

Civil Rights Certification**Annual Certification and Board Resolution**

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

Raleigh County Housing Authority

WV039

 PHA Name

 PHA Number/HA Code

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

John D. Wooton

Title

Chairman

Signature



Date 04/06/2010

Certification for a Drug-Free Workplace

U.S. Department of Housing and Urban Development

Applicant Name

Raleigh County Housing Authority

Program/Activity Receiving Federal Grant Funding

For submission with the Five-Year and Annual Plan of the Raleigh County Housing Authority

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. **Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Raleigh County Housing Authority Administrative Offices, 282 George Street, Beckley, WV
Timberline Apartments, 123 Smith Street, Mabscott, WV
Apple Tree Apartments, Maple Street, Sophia, WV

Check here if there are workplaces on file that are not identified on the attached sheets.

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 Tony G. Bazzie	Title Executive Director
Signature X <i>Tony G. Bazzie</i>	Date 04/06/2010

Certification of Payments to Influence Federal Transactions

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

Applicant Name

Raleigh County Housing Authority

Program/Activity Receiving Federal Grant Funding

For submission with the Five-Year and Annual Plan of the Raleigh County Housing Authority

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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

Tony G. Bazzie

Title

Executive Director

Signature

Tony G. Bazzie

Date (mm/dd/yyyy)

04/06/2010

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB

0348-0046

(See reverse for public burden disclosure.)

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> b. a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known: 4c	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Raleigh County Housing Authority P.O. Box 2618, Beckley, WV 25802 Congressional District, if known:	
6. Federal Department/Agency: U.S. Department of Housing and Urban Development	7. Federal Program Name/Description: Five-Year and Annual Agency Plan CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: <u>Tony G. Bazzie</u> Print Name: <u>Tony G. Bazzie</u> Title: <u>Executive Director</u> Telephone No.: <u>(304) 255-5164</u> Date: <u>04/06/2010</u>	
Federal Use Only:		Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

ATTACHMENT A

The following Violence Against Women Act Policy adopted by the Raleigh County Housing Authority describes:

- 1) Any activities, services, or programs provided or offered by the Raleigh County Housing Authority, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;
- 2) Any activities, services or programs provided or offered by the Raleigh County Housing Authority that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and
- 3) Any activities, services or programs provided or offered by the Raleigh County Housing Authority to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

Also attached is a copy of correspondence sent to all landlords participating in the Housing Authority's Housing Choice Voucher Program.

Raleigh County Housing Authority **VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY**

I. Purpose and Applicability

The purpose of this policy (herein called "Policy") is to implement the applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) and more generally to set forth Raleigh County Housing Authority's policies and procedures regarding domestic violence, dating violence, and stalking, as hereinafter defined.

This Policy shall be applicable to the administration by Raleigh County Housing Authority of all federally subsidized public housing and Section 8 rental assistance under the United States Housing Act of 1937 (42 U.S.C. §1437 *et*

seq.). Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

II. Goals and Objectives

This Policy has the following principal goals and objectives:

- A. Maintaining compliance with all applicable legal requirements imposed by VAWA;
- B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by Raleigh County Housing Authority;
- C. Providing and maintaining housing opportunities for victims of domestic violence dating violence, or stalking;
- D. Creating and maintaining collaborative arrangements between Raleigh County Housing Authority, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by Raleigh County Housing Authority; and
- E. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by Raleigh County Housing Authority.

III. Other Raleigh County Housing Authority Policies and Procedures

This Policy shall be referenced in and attached to Raleigh County Housing Authority's Five-Year Public Housing Agency Plan and shall be incorporated by reference in and made a part of Raleigh County Housing Authority's Admissions and Continued Occupancy Policy and the Raleigh County Housing Authority's Section 8 Administrative Plan. Raleigh County Housing Authority's annual public housing agency plan shall also contain information concerning Raleigh County Housing Authority's activities, services or programs relating to domestic violence, dating violence, and stalking.

To the extent any provision of this policy shall vary or contradict any previously adopted policy or procedure of Raleigh County Housing Authority, the provisions of this Policy shall prevail.

IV. Definitions

As used in this Policy:

- A. *Domestic Violence* – 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 cohabiting with or has cohabited 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.”

- B. *Dating Violence* – means violence committed by a person—
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) 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.
 - (iii) The frequency of interaction between the persons involved in the relationship.

- C. *Stalking* – means –
 - (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
 - (B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to –

- (i) that person;
- (ii) a member of the immediate family of that person; or
- (iii) the spouse or intimate partner of that person.

D. *Immediate Family Member* - means, with respect to a person –

- (A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- (B) any other person living in the household of that person and related to that person by blood or marriage.

E. *Perpetrator* – means person who commits an act of domestic violence, dating violence or stalking against a victim.

V. **Admissions and Screening**

- A. *Non-Denial of Assistance.* Raleigh County Housing Authority 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, or stalking, provided that such person is otherwise qualified for such admission.
- B. *Mitigation of Disqualifying Information.* When so requested in writing by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, Raleigh County Housing Authority may, but shall not be obligated to, take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, Raleigh County Housing Authority shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information. Raleigh County Housing Authority will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

VI. **Termination of Tenancy or Assistance**

- A. *VAWA Protections.* Under VAWA, public housing residents and persons assisted under the Section 8 rental assistance program have the following specific protections, which will be observed by Raleigh County Housing Authority:

1. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.
 2. In addition to the foregoing, tenancy or assistance will not be terminated by Raleigh County Housing Authority as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the tenant’s control, and the tenant or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
 - (a) Nothing contained in this paragraph shall limit any otherwise available authority of Raleigh County Housing Authority or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant’s household. However, in taking any such action, neither Raleigh County Housing Authority nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence, dating violence or stalking than that applied to other tenants.
 - (b) Nothing contained in this paragraph shall be construed to limit the authority of Raleigh County Housing Authority or a Section 8 owner or manager to evict or terminate from assistance any tenant or lawful applicant if the owner, manager or Raleigh County Housing Authority, as the case may be, can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.
- B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, Raleigh County Housing Authority or a Section 8 owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a

lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such 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. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by Raleigh County Housing Authority. Leases used for all public housing operated by Raleigh County Housing Authority and, at the option of Section 8 owners or managers, leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by Raleigh County Housing Authority, shall contain provisions setting forth the substance of this paragraph.

VII. Verification of Domestic Violence, Dating Violence or Stalking

- A. *Requirement for Verification.* The law allows, but does not require, Raleigh County Housing Authority or a Section 8 owner or manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. Subject only to waiver as provided in paragraph VII. C., Raleigh County Housing Authority shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by Raleigh County Housing Authority. Section 8 owners or managers receiving rental assistance administered by Raleigh County Housing Authority may elect to require verification, or not to require it as permitted under applicable law. Verification of a claimed

incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* - by providing to Raleigh County Housing Authority or to the requesting Section 8 owner or manager a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking and that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable

definition(s) set forth in this policy. 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.

2. *Other documentation* - by providing to Raleigh County Housing Authority or to the requesting Section 8 owner or manager documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
 3. *Police or court record* – by providing to Raleigh County Housing Authority or to the requesting Section 8 owner or manager a Federal, State, or local police or court record describing the incident or incidents in question.
- B. *Time allowed to provide verification/ failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, or stalking, and who is requested by Raleigh County Housing Authority, 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.
- C. *Waiver of verification requirement.* The Executive Director of Raleigh County Housing Authority, or a Section 8 owner or manager, 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, owner or manager. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

VIII. Confidentiality

- A. *Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided to Raleigh County Housing Authority or to a Section 8 owner or manager in connection with a verification required under Section VII 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 neither be entered in any shared database nor provided to any related entity, 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.
- B. *Notification of rights.* All tenants of public housing and tenants participating in the Section 8 rental assistance program administered by Raleigh County Housing Authority shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.
- C. *Security.* All information pertaining to the fact that an individual is a victim of domestic violence, dating violence or stalking shall be maintained separately and securely by the Raleigh County Housing Authority unless such information is subject to the disclosure exceptions noted in this section.

IX. Transfer to New Residence

- A. *Application for transfer.* In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, dating violence, or stalking, Raleigh County Housing Authority will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a public housing or Section 8 tenant to a different unit in order to reduce the level of risk to the individual. A tenant who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the tenant or another member of the household who is or was the victim of domestic violence, dating violence or stalking and who reasonably believes

that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

- B. *Action on applications.* Raleigh County Housing Authority will act upon such an application promptly.
- C. *No right to transfer.* Raleigh County Housing Authority will make every effort to accommodate requests for transfer when suitable alternative vacant units are available and the circumstances warrant such action. However, except with respect to portability of Section 8 assistance as provided in paragraph IX. E. below, the decision to grant or refuse to grant a transfer shall lie within the sole discretion of Raleigh County Housing Authority, and this policy does not create any right on the part of any applicant to be granted a transfer.
- D. *Family rent obligations.* If a family occupying Raleigh County Housing Authority public housing moves before the expiration of the lease term in order to protect the health or safety of a household member, the family will remain liable for the rent during the remainder of the lease term unless released by Raleigh County Housing Authority. In cases where Raleigh County Housing Authority determines that the family's decision to move was reasonable under the circumstances, Raleigh County Housing Authority may wholly or partially waive rent payments and any rent owed shall be reduced by the amounts of rent collected for the remaining lease term from a tenant subsequently occupying the unit.
- E. *Portability.* Notwithstanding the foregoing, a Section 8-assisted tenant will not be denied portability to a unit located in another jurisdiction (notwithstanding the term of the tenant's existing lease has not expired, or the family has not occupied the unit for 12 months) so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the unit in order to protect the health or safety of an individual member of the household who is or has been the victim of domestic violence, dating violence or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

X. Court Orders/Family Break-up

- A. *Court orders.* It is Raleigh County Housing Authority's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by Raleigh County Housing Authority and their property. 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.

- B. *Family break-up.* Other Raleigh County Housing Authority policies regarding family break-up are contained in Raleigh County Housing Authority's Public Housing Admissions and Continuing Occupancy Plan (ACOP) and its Section 8 Administrative Plan.

XI. Relationships with Service Providers

It is the policy of Raleigh County Housing Authority to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If Raleigh County Housing Authority staff become aware that an individual assisted by Raleigh County Housing Authority is a victim of domestic violence, dating violence or stalking, Raleigh County Housing Authority will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring Raleigh County Housing Authority 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.

XII. Notification

Raleigh County Housing Authority shall provide written notification to applicants, tenants and Section 8 owners and managers, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and termination of tenancy or assistance at time of initial lease-up and at each annual recertification. The full policy and required forms will also be made available at the administrative offices of the Raleigh County Housing Authority.

XIII. Relationship with Other Applicable Laws

Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence or stalking.

XIV. Amendment

XIII. Relationship with Other Applicable Laws

Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence or stalking.

XIV. Amendment

This policy may be amended from time to time by Raleigh County Housing Authority as approved by the Raleigh County Housing Authority Board of Commissioners. This policy was adopted by the Raleigh County Housing Authority Board of Commissioners at their February 26, 2008 Regular Meeting.

Notice to Landlords Regarding the Violence Against Women Act

In January 2006, President Bush signed into law the "**Violence Against Women Act**" (VAWA). Among other things, the VAWA establishes new protections for victims and their household members against eviction or lease termination based on acts of such violence against any member of their household. This law protects these persons even in circumstances when they or others in the household otherwise may legally be subject to eviction or termination from housing assistance.

The Raleigh County Housing Authority is providing this notice to you just so you are aware of the new law and some of the general prohibitions against eviction. You should seek the advice of an attorney should the matter arise at one or more of your rental units.

Sections 606 and 607 of the Act prohibit public housing authorities and owners participating in the Housing Choice Voucher Program from evicting or terminating the lease of any household containing a victim of domestic violence on the basis of their status as a victim. However, VAWA does **not** protect from eviction or termination a victim of domestic violence who also engages in criminal activity **unrelated** to the domestic violence. Also, VAWA does not necessarily prevent perpetrators of domestic violence from being evicted. Under the federal law, housing authorities and landlords are entitled to "bifurcate" (separate into two parts) a lease to provide for eviction and/or termination of the perpetrator while allowing the victim to remain in the residence.

VAWA immunizes victims and other household members while permitting eviction of the perpetrator; however, West Virginia law does not provide for bifurcation of the lease or for eviction of selected individuals from the residence, so you as a landlord may need to seek a court order to evict the perpetrator should this situation arise.

The law allows public housing authorities and landlords, at their discretion, to request than an individual claiming domestic violence status to certify by a U.S. Department of Housing and Urban Development (HUD)-approved certification form that she/he is a victim of domestic violence, dating violence or stalking, and it requires the victim to name the perpetrator. The law also requires that the certification be provided within 14 business days. The consequences for not providing the certification in a timely manner is that the public housing authority and the landlord may evict the individual and/or family or terminate assistance.

The Raleigh County Housing Authority cannot legally advise you on this issue. However, if you have any general questions about the VAWA, please contact Patricia Walker at the Raleigh County Housing Authority at (304) 255-5164.