# PHA Plans for the Plano Housing Authority Five-Year/Annual Plan for FYB 2025

# David Young, Executive Director FYB July 1, 2025

# **FINAL DRAFT**



# Presented by:



3301 West Fwy. Fort Worth, Texas 76107 (817) 922-9000/FAX (817) 922-9100

Satellite Offices: Washington, D.C.; Houston, TX

E-Mail Address: info@nelrod.com

Web Site: www.nelrod.com

5-Year PHA Plan  U.S. Department of Housing and Urb				ban		0. 2577-0226	
foi	r All PHAs)		Development	and Indian Housing		Expire	es 03/31/2024
	Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low-income, very low-income, and extremely low-income families.  Applicability. Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.						
1	PHA Informat	tion.					
	Availability of Intelements listed be where the propose hearing and propose must provide information PHA policies consubmissions. At a Management Projection encouraged to posprovide each resident The following are Year PHA Plan:  Adm  PHA Consort	Figure 1: 5. Type: 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5.	In addition to the evailable to the post of the public me standard Annual PHAs must post and main office of the Plans on the acopy of their Post of the public me copy of their Post of the public of	e items listed in this public. A PHA must nents, and all inform for inspection by the ay reasonably obtain Plan but excluded for PHA Plans, including reentral office of the price of the public may official websites. HA Plans.  The public may office of the public may official websites.  The public may office of the public may official websites.  The public may office of the public may official websites.	form, PH identify ation relapublic. In addition from their ag update PHA. If PHAs and btain coperations of the complete complete the physical complete the	HAs must hat the specific evant to the Additionally nal informator streamline es, at each APHAs are streads encouples of the Additionally the Additionally nal informator streamline es, at each APHAs are streads encouples of the Additionally naturally natur	ave the location(s) public y, the PHA ion on the d sset rongly uraged to
	Participating PHAs		Program(s) in the Consortia	Programs Not in the Consortia	No. of U		
	1 117 13	Couc	ine consortia	the consortia	PH	HCV	_
	Lead HA:						

- B Plan Elements. Required for <u>all PHAs</u> completing this form
- **B.1 Mission.** State the PHA's mission for serving the needs of low-income, very low-income, and extremely low-income families in the PHA's jurisdiction for the next five years.

The mission of the Plano Housing Authority is to provide quality affordable housing to low-income families while offering opportunities that enable families to achieve self-sufficiency.

**B.2 Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income, very low-income, and extremely low-income families for the next five years.

# PHA GOAL #1: EXPAND THE SUPPLY OF ASSISTED HOUSING

The PHA established the following objectives to strive in meeting goal #1:

- Apply for additional rental vouchers
- Reduce project-based housing vacancies
- Leverage private or other public funds to create additional housing opportunities
- Acquire or build units or developments

# PHA GOAL #2: IMPROVE THE QUALITY OF ASSISTED HOUSING

The PHA established the following objectives to strive in meeting goal #2:

- Improve voucher management (SEMAP score)
- Increase customer satisfaction
- Concentrate on efforts to improve specific management functions (e.g., voucher unit inspections)
- Renovate or modernize project-based housing units

# PHA GOAL #3: INCREASE ASSISTED HOUSING CHOICES

The PHA established the following objectives to strive in meeting goal #3

- Provide voucher mobility counseling
- Conduct outreach efforts to potential voucher landlords

# PHA GOAL #4: PROVIDE AN IMPROVED LIVING ENVIRONMENT

The PHA established the following objectives to strive in meeting goal #4

- Implement measures to deconcentrate poverty by bringing higher income projectbased voucher households into lower income developments
- Implement measures to promote income mixing in project-based vouchers by assuring access for lower income families into higher income developments
- Designate developments or buildings for particular resident groups (elderly, persons with disabilities)

# B.2 PHA GOAL #5: PROMOTE SELF-SUFFICIENCY AND ASSET DEVELOPMENT OF ASSISTED HOUSEHOLDS

The PHA established the following objectives to strive in meeting goal #5

- Increase the number and percentage of employed persons in assisted families
- Provide or attract supportive services to improve assistance recipients' employability
- Provide or attract supportive services to increase independence for the elderly or families with disabilities

# PHA GOAL #6: ENSURE EQUAL OPPORTUNITY AND AFFIRMATIVELY FURTHER FAIR HOUSING

The PHA established the following objectives to strive in meeting goal #6

- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability
- 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
- Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required
- **B.3** Progress Statements. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

# PHA GOAL #1: EXPAND THE SUPPLY OF ASSISTED HOUSING

The PHA established the following objectives to strive in meeting goal #1:

Apply for additional rental vouchers

<u>Progress Statement:</u> Applied for Mainstream and VASH programs and received vouchers for both of these specific programs. Working with Partners to receive referrals where applicable.

# PHA GOAL #2: IMPROVE THE QUALITY OF ASSISTED HOUSING

The PHA established the following objectives to strive in meeting goal #2:

- Improve voucher management
- Increase customer satisfaction
- Concentrate on efforts to improve specific management functions
- Renovate or modernize public housing units

<u>Progress Statement:</u> Completed the RAD conversion of former public housing to Project Based Vouchers. Completed renovations of all former public housing units as part of the RAD conversion process.

### PHA GOAL #3: INCREASE ASSISTED HOUSING CHOICES **B.3**

The PHA established the following objectives to strive in meeting goal #3

- Provide voucher mobility counseling
- Conduct outreach efforts to potential voucher landlords
- Increase voucher homeownership program

Progress Statement: Partnered with developers to facilitate 2,425 affordable units throughout our Public Facility Corporation portfolio.

# PHA GOAL #4: PROMOTE SELF-SUFFICIENCY AND ASSET DEVELOPMENT OF ASSISTED HOUSEHOLDS

The PHA established the following objectives to strive in meeting goal #4

- Increase the number and percentage of employed persons in assisted families
- Provide or attract supportive services to improve assistance recipients' employability
- Provide or attract supportive services to increase independence for the elderly or families with disabilities

Progress Statement: Project Based vouchers to a developer who is building a domestic violence shelter which provides supportive services.

# PHA GOAL #5: ENSURE EQUAL OPPORTUNITY AND AFFIRMATEVELY **FURTHER FAIR HOUSING**

The PHA established the following objectives to strive in meeting goal #5

- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability
- 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
- Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required

Progress Statement: Ongoing training through HUD and Fair Housing offices.

**B.4** Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. (See attachment tx128b01)

C.	Other Document and/or Certification Requirements.
C.1	<b>Significant Amendment or Modification.</b> Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.
	<ul> <li>Substantial Deviation</li> <li>Any change to the Mission Statement</li> <li>50% deletion from or addition to the goals and objectives as a whole; and</li> <li>50% or more decrease in the quantifiable measurement of any individual goal or objective</li> </ul>
	<ul> <li>Significant Amendment/Modification</li> <li>Any increase or decrease over 50% in the funds projected in the Financial Resource Statement;</li> </ul>
	Any change in policy or operation that is inconsistent with the applicable Consolidated Plan
C.2	Resident Advisory Board (RAB Comments.
	(a) Did the RAB(s) provide comments to the 5-Year PHA Plan? (See attachment tx128a01)
	Y N M
	(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations. <i>N/A</i>
C.3	Certification by State or Local Officials.
	Form HUD 50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.4	Required Submission of HUD FO Review
	(a) Did the public challenge any elements of the Plan?
	Y N M
	(b) If yes, include Challenged Elements. <i>N/A</i>

# D. Affirmatively Furthering Fair Housing (AFFH).

**D.1 Affirmatively Furthering Fair Housing (AFFH).** (Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)

Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item. *N/A* 

Streamlined Annual	U.S. Department of Housing and Urban Development	OMB No. 2577-0226 Expires 03/31/2024
PHA Plan	Office of Public and Indian Housing	<b>F</b> 0% 00.00 =0
(HCV Only PHAs)		

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

**Applicability.** Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

### **Definitions.**

- (1) *High-Performer PHA* A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a higher performer on <u>both</u> of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) *Small PHA* A PHA that is not designated as PHAS or SEMAP troubled or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) Housing Choice Voucher (HCV) Only PHA A PHA that administers more the 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) Standard PHA A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) *Troubled PHA* A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent
- (6) *Qualified PHA* A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

PHA Submission Type: Annual Submission Revised Annual Submission								
<b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific								
,	/			A Plan Elements, an available for inspec			evant to	
Addition	ally, the	PHA mus	t provide informati	on on how the public	c may rea	isonably ob		
				ntained in the standa imum, PHAs must p				
				the PHA. PHAs are				
complete	PHA Pla	ans on the	eir official website.			C	•	
	<b>PHA Pla</b> ■ Adr	n: ninistrativ		venue G, Plano, TX	75074			
□РНА	PHA Pla Adr Consort	n: ninistrativ	ve Office – 1740 A	-	75074	ete table be		
<b>□</b> РНА	<b>PHA Pla</b> ■ Adr	n: ninistrativ ia: (Chec	ve Office – 1740 A k box if submitting	venue G, Plano, TX g a joint PHA Plan ar	75074  ad complete  No. of U  Each P	ete table be Units in rogram		
PHA Partic	PHA Pla Adr Consort	n: ministrativ ia: (Chec	ve Office – 1740 A k box if submitting  Program(s) in	venue G, Plano, TX g a joint PHA Plan ar Programs Not in	75074  ad comple	ete table be		
☐ PHA	PHA Pla Adr Consort	n: ministrativ ia: (Chec	ve Office – 1740 A k box if submitting  Program(s) in	venue G, Plano, TX g a joint PHA Plan ar Programs Not in	75074  ad complete  No. of U  Each P	ete table be Units in rogram		
PHA Partic	PHA Pla Adr Consort	n: ministrativ ia: (Chec	ve Office – 1740 A k box if submitting  Program(s) in	venue G, Plano, TX g a joint PHA Plan ar Programs Not in	75074  ad complete  No. of U  Each P	ete table be Units in rogram		

	Plan Elements
	Revision of Existing PHA Plan Elements.
	(a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission?
	Y N  Statement of Housing Needs and Strategy for Addressing Housing Needs Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. Financial Resources. Rent Determination. Operation and Management. Informal Review and Hearing Procedures. Homeownership Programs. Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements. Substantial Deviation.
	Significant Amendment/Modification
	(b) If the PHA answered yes for any element, describe the revisions for each element(s):
	Housing Needs and Strategy for Addressing Housing Needs
	Statement of Housing Needs:
	Waiting List for Section 8
	Total: 1495
	Extremely Low Income: 1181-79%
	Very Low Income: 266-18%
	Low Income: 38-2.5%
	Over Income: 10-1%
	Fidarly Families: 60.4%
	Elderly Families: 60-4% Families with Disabilities: 184-12%
	White: 90-6%
	Black/African American: 1307-87%
	American Indian/Alaska Native: 18-1%
ı	Asian: 2-0.13%
ĺ	Astan. 2-0.13 / <sub>0</sub>

B.1 The waiting has been closed for 42 months. The PHA does expect to reopen the waiting list in PHA Plan year.

# **Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions**

# **Eligibility**

# **Preferences:**

The PHA does plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the Section 8 Program to families at or below 30% of the median area income.

Preferences do not guarantee an applicant admission to the housing program but rather, establishes the order of placement on the waiting list.

Preferences are granted to applicants who are otherwise qualified and who, at the time of the unit offer (prior to execution of a lease) meet the definitions of the preference as described in the PHA Section 8 Administrative Plan.

The PHA plans to employ the following admission preference for admission to Section 8 tenant-based assistance:

*The* preference shall carry a weight of 100 points

 Involuntary displacement (Natural disaster or government displacement) must provide proof at time of application

Among applicants on the waiting list with equal preferences status, date and time of application will prevail.

A Project Based Voucher waiting list will apply to the Project-Based Voucher Program.

Applicant must keep email address current.

Applicant may check their position on the waiting list online at www.planoha.org.

The waiting list is located in the lobby of the Plano Housing Authority and is updated on the fifth day of every month.

Plano Housing Authority cannot give any wait list information over the telephone. Visit our website: www.planoha.org.

**B.1** For more information, contact the wait list Coordinator at 972-423-4928 ext. 370 or email: kteague@planoha.org.

# PHA deleted the following preference and language:

Resident of Plano

Preference points will not be combined if an applicant qualifies for more than one preference.

The maximum number of points an applicant can have is 100 points.

The PHA will implement a local preference only for the Section 8 waiting list. This preference will allow the EXISTING public housing tenants to go to the top of the HCV voucher waiting list so that they can be issued a Tenant Based voucher and relocate from the existing public housing units. Only the EXISTING public housing tenants are eligible for this waiting list preference. Once the EXISTING public housing tenants have been issued a voucher this preference will not be valid for any other tenants or applicants. The preference will be assigned a numerical value of 200 points which will make it the highest preference available.

# Financial Resources

Financial Resources: Planned Sources and Uses				
Sources Planned \$ Planned				
1. Federal Grants (FY 2025 grants)				
a) Public Housing Operating Fund				
b) Public Housing Capital Fund				
c) HOPE VI Revitalization				
d) HOPE VI Demolition				
e) Annual Contributions for Section 8 Tenant-Based Assistance	6,049,596.00			
f) Resident Opportunity and Self-Sufficiency Grants				
g) Community Development Block Grant				
h) HOME				
Other Federal Grants (list below)				
Mainstream	168,768.00	Mainstream Vouchers		
2. Prior Year Federal Grants (unobligated funds only) (list below)				
3. Public Housing Dwelling Rental Income				
4. Other income (list below)				
5. Non-federal sources (list below)				
PFC Developments	2,520,675.00	Admin		
Tenant Payments PBV	87,960.00	Project Based Vouchers		
Total resources	\$8,826,999.00			

<b>B.1</b>	<b>Operation and Management</b>
------------	---------------------------------

# **PHA Management Structure:**

The PHA's organization consists of:

- Executive Director
- Compliance Director/Portability Specialist
- HCV Counselors
- Maintenance Technician
- HQS Inspector

The PHA deleted Homeownership Program from the Compliance Director/Portability Specialist title above.

# **HUD Programs Under PHA Management:**

Program Name	Units or Families Served	Expected
	at Year Beginning	Turnover
Public Housing	N/A	N/A
Section 8 Vouchers	463	60
Section 8 Certificates	N/A	N/A
Section 8 Mod Rehab	N/A	N/A
Special Purpose Section	N/A	N/A
8 Certificates/Vouchers		
(list individually)		
Other Federal Programs		
(list individually)		
VASH	27	10
Mainstream Vouchers	14	4
Homeowner	4	0

# **B.2** | New Activities.

(a)	Does the PHA into	end to undertal	ke any new	activities	related to t	the following	in the	PHA's
	current Fiscal Yea	ar?						

Project-Based Vouchers.

Y	N
	$\times$

(b) If this activity is planned for the current Fiscal Year, describe the activities. Provide the projected number of project-based units and general locations and describe how project-basing would be consistent with the PHA Plan. *N/A* 

# B.3 Progress Report.

Provide a description of the PHA's progress in meeting its Mission and Goals described in its 5-Year PHA Plan.

# PHA GOAL #1: EXPAND THE SUPPLY OF ASSISTED HOUSING

The PHA established the following objectives to strive in meeting goal #1:

Apply for additional rental vouchers

<u>Progress Statement:</u> Applied for Mainstream and VASH programs and received vouchers for both of these specific programs. Working with Partners to receive referrals where applicable.

# PHA GOAL #2: IMPROVE THE QUALITY OF ASSISTED HOUSING

The PHA established the following objectives to strive in meeting goal #2:

- Improve voucher management
- Increase customer satisfaction
- Concentrate on efforts to improve specific management functions
- Renovate or modernize public housing units

<u>Progress Statement:</u> Completed the RAD conversion of former public housing to Project Based Vouchers. Completed renovations of all former public housing units as part of the RAD conversion process.

### PHA GOAL #3: INCREASE ASSISTED HOUSING CHOICES

The PHA established the following objectives to strive in meeting goal #3

- Provide voucher mobility counseling
- Conduct outreach efforts to potential voucher landlords
- Increase voucher homeownership program

<u>Progress Statement:</u> Partnered with developers to facilitate 2,425 affordable units throughout our Public Facility Corporation portfolio.

# PHA GOAL #4: PROMOTE SELF-SUFFICIENCY AND ASSET DEVELOPMENT OF ASSISTED HOUSEHOLDS

The PHA established the following objectives to strive in meeting goal #4

- Increase the number and percentage of employed persons in assisted families
- Provide or attract supportive services to improve assistance recipients' employability
- Provide or attract supportive services to increase independence for the elderly or families with disabilities

B.3	<u>Progress Statement:</u> Project Based vouchers to a developer who is building a domestic violence shelter which provides supportive services.				
	PHA GOAL #5: ENSURE EQUAL OPPORTUNITY AND AFFIRMATEVELY FURTHER FAIR HOUSING				
	<ul> <li>The PHA established the following objectives to strive in meeting goal #5</li> <li>Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, sex, familial status and disability</li> <li>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</li> <li>Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required</li> </ul>				
	Progress Statement: Ongoing training through HUD and Fair Housing offices.				
<b>B.4</b>	Capital Improvements. Not Applicable				
B.5	Most Recent Fiscal Year Audit.				
	(a)Were there any findings in the most recent FY Audit?				
	Y N				
	(b) If yes, please describe: <i>N/A</i>				
C.	Other Document and/or Certification Requirements.				
C.1	Resident Advisory Board (RAB) Comments.				
	(a) Did the RAB(s) provide comments to the PHA Plan? (See attachment tx128a01)				
	Y N				
	(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations. <i>N/A</i>				

C.2	Certification by State or Local Officials.
	Form HUD 50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.3	Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.
	Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations - Including PHA Plan Elements that Have Changed,</i> must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.4	<b>Challenged Elements.</b> If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.
	(a) Did the public challenge any elements of the Plan?
	Y N
	If yes, include Challenged Elements. <i>N/A</i>
D.	Affirmatively Furthering Fair Housing (AFFH).
D.1	Affirmatively Furthering Fair Housing (AFFH).
	Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item. <i>N/A</i>

# Attachment: tx128a01 Plano Housing Authority Resident Advisory Board Consultation Process and Comments – FYB 2025

1. Resident notification of appointment to the Advisory Board

At beginning of PHA Plan process, sent out letter to all residents/participants of opportunity to serve on Resident Advisory Board **Ongoing – always on website** 

2. Notification of Public Hearing

Schedule date for Public Hearing and place ad January 24, 2025

Hold Public Hearing meeting March 11, 2025

3. Documentation of resident recommendations and PHA's response to recommendations

There were no comments/recommendations received.

# Attachment: tx128b01 Plano Housing Authority VAWA Policy

# PART IX: NOTIFICATION REGARDING APPLICABLE PROVISIONS OF THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005 (VAWA)

The Violence against Women Reauthorization Act of 2005 (VAWA) requires PHAs to inform assisted tenants of their rights under this law, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as tenants, PHAs may elect to provide the same information to applicants. VAWA also requires PHAs to inform owners and managers of their obligations under this law.

This part describes the steps that the PHA will take to ensure that all actual and potential beneficiaries of its housing choice voucher program are notified about their rights and that owners and managers are notified of their obligations under VAWA.

# **PHA Policy**

The PHA will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, or stalking (see sample notices in Exhibits 16-1 and 16-2)

The definitions of *domestic violence*, *dating violence*, and *stalking* provided in VAWA (included in Exhibits 16-1 and 16-2)

An explanation of the documentation that the PHA may require from an individual who claims the protections provided by VAWA (included in Exhibits 16-1 and 16-2)

A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking

A statement of the PHA's obligation to keep confidential any information that it receives from a victim unless (a) the PHA has the victim's written permission to release the information, (b) it needs to use the information in an eviction proceeding, or (c) it is compelled by law to release the information (included in Exhibits 16-1 and 16-2)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers

# 16-IX.A. NOTIFICATION TO PARTICIPANTS [Pub.L. 109-162]

VAWA requires PHAs to notify HCV program participants of their rights under this law, including their right to confidentiality and the limits thereof.

# **PHA Policy**

The PHA will provide all participants with notification of their protections and rights under VAWA at the time of admission and at annual reexamination.

The notice will explain the protections afforded under the law, inform the participant of PHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The PHA will also include in all assistance termination notices a statement explaining assistance termination protection provided by VAWA (see Section 12-II.E).

# 16-IX.B. NOTIFICATION TO APPLICANTS

# **PHA Policy**

The PHA will provide all applicants with notification of their protections and rights under VAWA at the time they request an application for housing assistance.

The notice will explain the protections afforded under the law, inform each applicant of PHA confidentiality requirements, and provide contact information for local victim advocacy groups or service providers.

The PHA will also include in all notices of denial a statement explaining the protection against denial provided by VAWA (see section 3-III.G).

# 16-IX.C. NOTIFICATION TO OWNERS AND MANAGERS [Pub.L. 109-162]

VAWA requires PHAs to notify owners and managers of their rights and responsibilities under this law.

# **PHA Policy**

Inform property owners and managers of their screening and termination responsibilities related to VAWA. The PHA may utilize any or all of the following means to notify owners of their VAWA responsibilities:

As appropriate in day to day interactions with owners and managers.

Inserts in HAP payments, 1099s, owner workshops, classes, orientations, and/or newsletters.

Signs in the PHA lobby and/or mass mailings which include model VAWA certification forms

# EXHIBIT 16-1: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER APPLICANTS AND TENANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

### **Protections for Victims**

If you are eligible for a Section 8 voucher, the housing authority cannot deny you rental assistance solely because you are a victim of domestic violence, dating violence, or stalking.

If you are the victim of domestic violence, dating violence, or stalking, you cannot be terminated from the Section 8 program or evicted based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.

### Reasons You Can Be Evicted

You can be evicted and your rental assistance can be terminated if the housing authority or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking committed against you. The housing authority and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

# Removing the Abuser from the Household

Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. Also, the housing authority can terminate the abuser's Section 8 rental assistance while allowing you to continue to receive assistance. If the landlord or housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

# Moving to Protect Your Safety

The housing authority may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The housing authority may require that you be current on your rent or other obligations in the housing choice voucher program. The housing authority may ask you to provide proof that you are moving because of incidences of abuse.

# Proving that You Are a Victim of Domestic Violence, Dating Violence, or Stalking

The housing authority and/or your landlord can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, or stalking. The housing authority and/or your landlord must give you at least 14 business days (i.e. Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority and/or your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority or your landlord. The
  form will ask for your name, the name of your abuser, the abuser's relationship to you, the
  date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who
  has helped you address incidents of domestic violence, dating violence, or stalking. The
  professional must state that he or she believes that the incidents of abuse are real. Both you
  and the professional must sign the statement, and both of you must state that you are signing
  "under penalty of perjury."
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the landlord may evict you, and the housing authority may terminate your rental assistance.

# Confidentiality

The housing authority and your landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If release of the information would put your safety at risk, you should inform the housing authority and your landlord.

### **VAWA** and Other Laws

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

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

### For Additional Information

If you have ar	y questions regarding	VAWA, please contact	a	ıt

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

### **Definitions**

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (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.

# EXHIBIT 16-2: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER OWNERS AND MANAGERS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

This sample notice was adapted from a notice prepared by the National Housing Law Project.

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your obligations under VAWA.

### **Protections for Victims**

You cannot refuse to rent to an applicant solely because he or she is a victim of domestic violence, dating violence, or stalking.

You cannot evict a tenant who is the victim of domestic violence, dating violence, or stalking based on acts or threats of violence committed against the victim. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

# **Permissible Evictions**

You can evict a victim of domestic violence, dating violence, or stalking if you can demonstrate that there is an *actual* or *imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking. You cannot hold a victim of domestic violence, dating violence, or stalking to a more demanding standard that tenants who are not victims.

# Removing the Abuser from the Household

You may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

# Certification of Domestic Violence, Dating Violence, or Stalking

If a tenant asserts VAWA's protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, or stalking. You are not required to demand official documentation and may rely upon the victim's statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- By completing a HUD-approved certification form. The most recent form is HUD-50066.
   This form is available at the housing authority, or online at <a href="https://www.hudclips.org">www.hudclips.org</a>.
- By providing a statement from a victim service provider, attorney, or medical professional
  who has helped the victim address incidents of domestic violence, dating violence, or
  stalking. The professional must state that he or she believes that the incidents of abuse are
  real. Both the victim and the professional must sign the statement under penalty of perjury.
- By providing a police or court record, such as a protective order.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

# Confidentiality

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence, or stalking. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

The victim should inform you if the release of the information would put his or her safety at risk.

# VAWA and Other Laws

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

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

# **Additional Information**

•	If you have any	questions regarding	VAWA, please contact	
---	-----------------	---------------------	----------------------	--

- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at http://www.hud.gov/offices/adm/hudclips/.
- An overview of VAWA's housing provisions is available at <a href="http://hmis.info/ClassicAsp/documents/March%2016,%202007%20HUD%20Notice%20on%20VAWA.pdf">http://hmis.info/ClassicAsp/documents/March%2016,%202007%20HUD%20Notice%20on%20VAWA.pdf</a>

# **Definitions**

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- · A person with whom the victim shares a child in common
- · A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (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.