

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

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

A.	PHA Information.																										
A.1	<p>PHA Name: <u>Orange County Housing Authority (OCHA)</u> <span style="float: right;">PHA Code: <u>CA094</u></span></p> <p>PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2020</u>            PHA Plan Submission Type: <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p><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 location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p style="text-align: center; color: blue;">All information pertaining to the 5-Year Public Housing Agency (PHA) Plan can be located at:  <a href="http://www.ochousing.org/docs">www.ochousing.org/docs</a> or:            Orange County Housing Authority            1501 E. St. Andrew Place            Santa Ana, CA 92705</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="width: 20%;">Participating PHAs</th> <th rowspan="2" style="width: 8%;">PHA Code</th> <th rowspan="2" style="width: 25%;">Program(s) in the Consortia</th> <th rowspan="2" style="width: 25%;">Program(s) not in the Consortia</th> <th colspan="2" style="width: 24%;">No. of Units in Each Program</th> </tr> <tr> <th style="width: 12%;">PH</th> <th style="width: 12%;">HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																	
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<b>B.</b>	<b>5-Year Plan.</b> Required for <u>all</u> PHAs completing this form.																								
<b>B.1</b>	<p><b>Mission.</b> State the PHA’s mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA’s jurisdiction for the next five years.</p> <p><b>Orange County Housing Authority’s Mission:</b> OCHA’s mission is to provide safe, decent and sanitary housing conditions for families with low, very-low and extremely low-income and to manage resources efficiently. OCHA promotes personal, economic and social upward mobility to provide families the opportunity to make the transition from subsidized to non-subsidized housing.</p>																								
<b>B.2</b>	<p><b>Goals and Objectives.</b> Identify the PHA’s quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.</p> <p><b>Goals and Objectives for FY’s 2020-2024:</b></p> <ul style="list-style-type: none"> <li>• Open the Housing Choice Voucher Program Waiting List</li> <li>• Enhance accessibility for disabled and limited English proficient persons</li> <li>• Expand efforts to affirmatively further fair housing</li> <li>• Identify and utilize technology to enhance operational effectiveness and efficiency in delivery of housing assistance services</li> <li>• Expand the supply of affordable housing by applying for additional housing assistance funding and programs that may become available</li> <li>• Promote Family Self Sufficiency</li> </ul>																								
<b>B.3</b>	<p><b>Progress Report.</b> Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <p><b><u>Progress Report 2015 to 2019</u></b></p> <p><b>Goal #1 Apply for Additional Funding to Expand the Supply of Affordable Housing</b></p> <p>Over the past five (5) years, OCHA has applied for and received funding as follows:</p> <ul style="list-style-type: none"> <li>• Veterans Affairs Supportive Housing (VASH) Program</li> </ul> <table border="1" data-bbox="516 1251 1239 1478"> <thead> <tr> <th>Year</th> <th>Number of Vouchers</th> <th>Funding</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>44</td> <td>\$487,450</td> </tr> <tr> <td>2016</td> <td>133</td> <td>\$1,471,512</td> </tr> <tr> <td>2017</td> <td>100</td> <td>\$1,114,872</td> </tr> <tr> <td>2018</td> <td>132</td> <td>\$1,501,706</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>• Family Unification Program (FUP)</li> </ul> <table border="1" data-bbox="521 1549 1234 1703"> <thead> <tr> <th>Year</th> <th>Number of Vouchers</th> <th>Funding</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>60</td> <td>\$754,282</td> </tr> <tr> <td>2019*</td> <td>58</td> <td>\$1,094,265</td> </tr> </tbody> </table>	Year	Number of Vouchers	Funding	2015	44	\$487,450	2016	133	\$1,471,512	2017	100	\$1,114,872	2018	132	\$1,501,706	Year	Number of Vouchers	Funding	2018	60	\$754,282	2019*	58	\$1,094,265
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B.3

**Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

**Progress Report 2015 to 2019**

**Goal #1 Apply for Additional Funding to Expand the Supply of Affordable Housing**

*Continued from page 2*

- Mainstream Voucher Program

Year	Number of Vouchers	Funding
2018	44	\$549,168
2019	33	\$530,866

- Continuum of Care (CoC) Program

Year	Funding
2015	\$ 9,086,852
2016	\$ 9,350,791
2017	\$ 9,777,780
2018	\$10,008,696
2019	\$10,509,300

- Family Self-Sufficiency (FSS) Program

Year	Funding
2015	\$259,960
2016	\$259,960
2017	\$263,507
2018	\$263,507
2019	\$288,000

**Goal #2 Explore the Use of Project-Based Vouchers**

In an effort to expand housing options for special needs populations, over the past five (5) years OCHA has committed Housing Choice and Veterans Affairs Supportive Housing Program vouchers to the following projects:

Project Name	Number of Vouchers	Status
Potter’s Lane	8	Completed, fully leased
Newport Veterans Housing	6	Completed, fully leased
Oakcrest Heights	8	Completed, fully leased
Placentia Veterans Village	49	Under construction
Della Rosa	25	Under construction
Salerno at Cypress Village	25	Under construction
Westminster Crossing	20	Under construction
Jamboree PSH	20	In progress of funding
Altrudy Senior Apartments	8	In progress of funding
Fountain Valley Housing	8	In progress of funding
The Groves	8	In progress of funding

The Crossroads at Washington*	43	In progress of funding
Airport Inn*	30	In progress of funding

\*Subject to Board Approval on February 25, 2020

In addition to the aforementioned project-based activities, in response to Notices of Funding Availability, there are additional projects under review.

Goal #3 Maintain High Performer Status on Section Eight Management Assessment Program Certification

Year	Rating
2015	High Performer
2016	High Performer
2017	High Performer
2018	High Performer
2019	High Performer

Goal #4 Promote Family Self-Sufficiency (FSS)

- OCHA applied for and received FSS Coordinator funding each year over the past five years (see Section B3, Goal #1).
- OCHA participated in the national evaluation of the FSS Program conducted by MDRC over the course of the past five years and is in discussion about potential resumption of participation into 2021.
- In 2016, OCHA began participating in the FSS and Family Unification Program Demonstration.
- In 2017, one (1) former FSS Program participant transitioned from Housing Choice Voucher rental assistance to Housing Choice Voucher homeownership assistance.
- Participation in OCHA’s FSS Program is currently 55% higher than required by HUD.
- Since 2015, OCHA has graduated 43 households from the FSS Program and disbursed more than \$788,000 in escrow funds to said households. Ten (10) of the graduate households left the Housing Choice Voucher Program and moved to unsubsidized housing.
- OCHA routinely conducts recruitment to all Housing Choice Voucher holders and performs targeted recruitment for households participating in the Family Unification and Veterans Affairs Supportive Housing Programs.
- Approximately 20% of the households participating in the FSS Program are those in the FUP and VASH programs.
- OCHA maintains 200 Housing Choice Voucher households participating in the FSS Program.

Goal #5- Expand Housing Choice

- OCHA hosted and participated in owner outreach events, attended industry trade shows, and furthered marketing of Housing Choice Voucher Program participation via its website.
- Using local funds, OCHA has contracted with Orange County United Way to administer the Landlord Incentive Program. The program engages private market landlords, provides funds to incentivize participation, and facilitates placement of OCHA Housing Choice Voucher participants into permanent housing. Thus far, the program has yielded 20 new landlords participating in OCHA’s Housing Choice Voucher Program and 36 households have been placed in housing.
- In collaboration with three local housing authorities, OCHA is party to a Memorandum of Agreement (MOA), which fosters interjurisdictional mobility and eliminates complex portability procedures for those moving from one local jurisdiction to another.
- OCHA maintains three (3) Payment Standards for each size Housing Choice Voucher, which addresses the significant differences in housing costs across the County. Such Payment Standards are set in a manner, which limits the number of households paying excess of 40% of their adjusted income toward rent; thereby increasing residential stability and deconcentrating poverty.
- OCHA maintains partnerships with the Orange County Health Care Agency and United Way for housing navigation services for the Mainstream Voucher and Veterans Affairs Supportive Housing programs respectively.

Goal #6- Utilize Technology to Enhance Operational Effectiveness

- Beginning with 2019, all new Housing Choice Voucher Program files are digital.
- All newly created historical records are imaged to prevent creation of physical files.
- During the update of OCHA’s waiting list, OCHA utilized imaging to record applicant responses to the update and provided applicants access to the Assistance Connect portal for immediate use to report changes that may affect their status on the waiting list.
- A contract for cloud-based housing software has been awarded. The contract is anticipated to be in place by 2021.
- In 2016 OCHA implemented “AssistanceCheck” a secure online service, which allows owners, applicants and tenants the option to create an account and by using a secure log-in, conduct business with OCHA online.
- Enhancements to OCHA’s website have been made to encourage owner participation in OCHA’s Housing Choice Voucher Program.

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.

OCHA complies with all VAWA requirements, including, but not limited to the Final Rule and Notice PIH-2017-08.

Citations from OCHA’s Administrative Plan, which speak to VAWA policy, are found in Attachment A of this Plan. In addition to the attached policy, OCHA makes Emergency Transfer Plan and domestic violence service provider information available to the public in person, and via mail, electronic mail and on the OCHA webpage.

<p><b>B.5</b></p>	<p><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.</p> <p><b>OCHA Statement Regarding Criteria for Significant Amendment or Modification to the 5-Year Plan:</b> OCHA defines “significant amendment or modification” as any that meet all of the following criteria:</p> <ul style="list-style-type: none"> <li>• Is discretionary</li> <li>• Fundamentally alters the existing policies of the Housing Authority</li> <li>• Requires formal approval of the Board of Commissioners</li> </ul>
<p><b>B.6</b></p>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y   N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p> <p>The Resident Advisory Board made no comments or recommendations and there were no comments made during the public hearing. However, during the period, which the Plan was available for public review, a local non-profit organization submitted a recommendation for OCHA to add the following goals to this Plan:</p> <ul style="list-style-type: none"> <li>• Increase Payment Standard</li> <li>• Reduce barriers to accessing rental housing</li> <li>• Increase voucher utilization in areas of opportunity</li> <li>• Hold annual Fair Housing and other similar training</li> <li>• Make a statement of information to the public regarding how OCHA will ensure compliance with Fair Housing laws</li> <li>• Adopt Small Area Fair Market Rents or exception Payment Standards</li> <li>• Conduct targeted outreach and provide tenant application assistance and support to persons with disabilities</li> <li>• Identify steps that OCHA will employ to allow meaningful access for those who are limited English proficient</li> </ul> <p>OCHA reviewed the aforementioned and determined that each was either: encompassed within the existing goals listed in this Plan, an existing process or legal obligation, and/or existing policy/procedure/practice. As such, OCHA determined the additional goals were unnecessary. Nevertheless, OCHA will take the recommended goals into consideration during future decision-making processes.</p>
<p><b>B.7</b></p>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

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

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## A. PHA Information [24 CFR §903.23\(4\)\(e\)](#)

**A.1** Include the full PHA Name, PHA Code, PHA Fiscal Year Beginning (MM/YYYY), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

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

## B. 5-Year Plan.

**B.1 Mission.** State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years. ([24 CFR §903.6\(a\)\(1\)](#))

**B.2 Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. ([24 CFR §903.6\(b\)\(1\)](#)) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA's 5-Year Plan.

**B.3 Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5- Year Plan. ([24 CFR §903.6\(b\)\(2\)](#))

**B.4 Violence Against Women Act (VAWA) Goals.** Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. ([24 CFR §903.6\(a\)\(3\)](#))

**B.5 Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

### B.6 Resident Advisory Board (RAB) comments.

(a) Did the public or RAB provide comments?

(b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.17\(a\)](#), [24 CFR §903.19](#))

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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 the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 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 thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

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**Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]**

If the family includes a person with disabilities, OCHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, OCHA will determine whether the behavior is related to the disability. If so, upon the family's request, OCHA will determine whether alternative measures are appropriate as a reasonable accommodation. OCHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance. See Chapter 2 for a discussion of reasonable accommodation.

**3-III.F. NOTICE OF ELIGIBILITY OR DENIAL**

If the family is eligible for assistance, OCHA will notify the family when it extends the invitation to attend the voucher briefing appointment, as discussed in Chapter 5.

If OCHA determines that a family is not eligible for the program for any reason, the family will be notified promptly. The notice will describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 16, for informal review policies and procedures.

The family will be notified of a decision to deny assistance in writing within 15 calendar days of the determination.

If OCHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, the subject has the right to request the criminal report that the decision is based on, and the right to dispute the accuracy or relevance of the criminal record.

[24 CFR 5.903(f) and 5.905(d)]. OCHA will give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)].

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, OCHA will notify the family in writing of the denial of admission. If the family does not contact OCHA to dispute the information within a 15 calendar day period, OCHA will finalize the denial of admission.

**3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [24 CFR PART 5, SUBPART L]**

The Violence Against Women Act of 2005 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying an applicant admission to the HCV program "on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission.

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



### **Notification**

OCHA acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under OCHA's policies. Therefore, if OCHA makes a determination to deny assistance to an applicant family, OCHA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan and will request that an applicant wishing to claim protection under VAWA notify OCHA within 15 calendar days.

### **Documentation**

#### ***Victim Documentation [24 CFR 5.2007]***

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

#### ***Perpetrator Documentation***

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

- A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit.
- Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

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- Where the family can lease a unit, including renting a unit inside or outside OCHA's jurisdiction.
  - For families eligible under portability, an explanation of portability. OCHA will not discourage eligible families from moving under portability.
  - For families living in high-poverty census tracts, an explanation of the advantages of moving to areas outside of high-poverty concentrations.

**Briefing Packet [24 CFR 982.301(b)]**

Documents and information provided in the briefing packet will include the following:

- The term of the voucher, and OCHA's policies on any extensions or suspensions of the term. The packet will explain how the family can request an extension.
- A description of the method used to calculate the housing assistance payment for a family, including how OCHA determines the payment standard for a family, how OCHA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how OCHA determines the maximum allowable rent for an assisted unit.
- Where the family may lease a unit. For a family that qualifies to lease a unit outside of OCHA's jurisdiction under portability procedures, the information will include an explanation of how portability works.
- The HUD-required tenancy addendum, which must be included in the lease.
- The form the family must use to request approval of tenancy (RTA), and a description of the procedure for requesting approval for a tenancy.
- A statement of OCHA's policy on providing information about families to prospective owners.
- OCHA subsidy standards including when and how exceptions are made.
- The HUD brochure on how to select a unit.
- The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*.
- Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.
- A list of owners or other parties willing to lease to assisted families or help families find units, especially outside areas of poverty or minority concentration.
- Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to OCHA.
- The family obligations under the program.
- The grounds on which OCHA may terminate assistance for a participant family because of family action or failure to act. (See 5-1.C Family Obligations)

- OCHA informal hearing procedures including when OCHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction.
- Information about the characteristics of these areas including job opportunities, schools, transportation and other services.
- An explanation of how portability works, including a list of portability contact persons for neighboring PHAs with names, addresses, and telephone numbers.
- Information about the protections afforded by the Violence against Women Act of 2005 (VAWA) to victims of domestic violence, dating violence, and stalking (see section 16-IX.C)
- “Is Fraud Worth It?” (*form HUD-1141-OIG*), which explains the types of actions a family must avoid and the penalties for program abuse.
- “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19.

### **5-I.C. FAMILY OBLIGATIONS**

Obligations of the family are described in the HCV program regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. OCHA will inform families of these obligations during the oral briefing, and the same information will be included in the briefing packet. When the family’s unit is approved and the HAP contract is executed, the family must meet those obligations in order to continue participating in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

#### **Time Frames for Reporting Changes Required By Family Obligations**

Unless otherwise noted below, when family obligations require the family to respond to a request or notify OCHA of a change, notifying OCHA of the request or change within 15 calendar days is considered prompt notice.

When a family is required to provide notice to OCHA, the notice must be in writing.

#### **Family Obligations [24 CFR 982.551]**

Following is a listing of a participant family’s obligations under the HCV program:

- The head of household (and spouse/co-mate) is responsible for reporting all family member changes in writing within 15 days of the occurrence. Forms to report changes are available at the OCHA office and at [www.ochousing.org](http://www.ochousing.org).
- The head of household (and spouse/co-mate) is responsible for reporting changes and will be required to repay the OCHA any overpayments of assistance made on behalf of the family as a result of not reporting changes that affect the amount of assistance received.
- Changes include increases and/or decreases in any source of income, benefits, child support, self-employment, cash, money received from family or friends, lottery or gambling winnings, loans, lump sums, or any other sources of money. Changes also include the start or end of

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## **PART I: THE LEASE-UP PROCESS**

### **9-I.A. TENANT SCREENING**

OCHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy [24 CFR 982.307(a)(1)].

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before OCHA approval of the tenancy, OCHA will inform the owner that screening and selection for tenancy is the responsibility of the owner [24 CFR 982.307(a)(2)]. OCHA will also inform the owner or manager of his/her rights and obligations under the Violence against Women Act of 2005 VAWA [24 CFR 5.2005(a)(2)].

OCHA may provide the owner with the family's current and prior address (as shown in OCHA records); and the name and address (if known to OCHA) of the owner at the family's current and prior address [24 CFR 982.307 (b)(1)].

OCHA's policy on providing information to the owner must be included in the family's briefing packet [24 CFR 982.307(b)(3)].

OCHA may not disclose to the owner any confidential information provided in response to OCHA's request for documentation of domestic violence, dating violence, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(b)(4)].

OCHA will not screen applicants for family behavior or suitability for tenancy.

OCHA will not provide additional screening information to the owner.

### **9-I.B. REQUESTING TENANCY APPROVAL [FORM HUD-52517]**

After the family is issued a voucher, the family must locate an eligible unit, with an owner willing to participate in the HCV program. Once a family finds a suitable unit and the owner is willing to lease the unit under the program, the owner and the family must request OCHA to approve the assisted tenancy in the selected unit.

The owner and the family must submit a completed Request for Tenancy Approval (RTA) Form HUD-52517:

- The RTA contains important information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the rent, and the requested beginning date of the lease, necessary for OCHA to determine whether to approve the assisted tenancy in this unit.
- Owners must certify to the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.
- Owners must certify that they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless OCHA has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household.

For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

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## PART II: PORTABILITY

### 10-II.A. OVERVIEW

Within the limitations of the regulations and this plan, a participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program [24 CFR 982.353(b)]. The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another PHA is known as portability. The first PHA is called the *initial PHA*. The second is called the *receiving PHA*.

The receiving PHA has the option of (1) administering the family's voucher for the initial PHA or (2) absorbing the family into its own program. Under the first option, the receiving PHA bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher. Under the second option, the receiving PHA pays for the family's assistance out of its own program funds, and the initial PHA has no further relationship with the family.

The same PHA commonly acts as the initial PHA for some families and as the receiving PHA for others. Each role involves different responsibilities. OCHA will follow the rules and policies in section 10-II.B when it is acting as the initial PHA for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving PHA for a family.

### 10-II.B. OCHA AS INITIAL PHA

#### Allowable Moves under Portability

A family may move with HCV program assistance only to an area where there is at least one PHA administering the HCV program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the family will choose the receiving PHA.. [24 CFR 982.355(b)].

Applicant families that have been issued vouchers, as well as participant families, may qualify to lease a unit outside OCHA's jurisdiction under portability. OCHA as the initial PHA, in accordance with HUD regulations and OCHA policy, determines whether a family qualifies.

#### *Applicant Families*

Under HUD regulations, most applicant families qualify to lease a unit outside OCHA's jurisdiction under portability. However, HUD gives OCHA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance.

In determining whether or not to deny an applicant family permission to move under portability because OCHA lacks sufficient funding or has grounds for denying assistance to the family, OCHA as the initial PHA will follow the policies established in section 10-I.B of this chapter.

If neither the head of household nor the spouse/cohead of an applicant family had a legal residence in OCHA's jurisdiction at the time the family's application for assistance was submitted, the family must live in OCHA's jurisdiction with voucher assistance for at least 12 months before requesting portability.

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OCHA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, or stalking. However, any exception to this policy is subject to the approval of OCHA [24 CFR 982.353(c)(3)].

***Participant Families***

OCHA as the initial PHA will not provide portable assistance for a participant family that has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. The Violence against Women Act (VAWA) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence or stalking and who reasonably believed he or she was imminently threatened by further violence if he or she remained in the unit [24 CFR 982.353(b)].

OCHA will determine whether a participant family may move out of OCHA's jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. OCHA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

**Determining Income Eligibility**

***Applicant Families***

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(3)]. The family must specify the area to which the family wishes to move [Notice 2011-3].

OCHA as the initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.355(c)(1)]. If the applicant family is not income eligible in that area, OCHA will inform the family that it may not move there and receive voucher assistance [Notice PIH 2011-3].

***Participant Families***

The income eligibility of a participant family is not re-determined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2), 24 CFR 982.355(c)(1)].

**Reexamination of Family Income and Composition**

No interim reexamination of family income and composition will be performed.

**Briefing**

No formal briefing will be required for a participant family wishing to move outside OCHA's jurisdiction under portability. However, OCHA as the initial PHA will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program (see Chapter 5). OCHA will provide the name, address, and phone of the contact for the PHA in the jurisdiction to which they wish to move. OCHA will advise the family that they will be under the receiving housing authority's policies and procedures, including subsidy standards and voucher extension policies.

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the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

**Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]**

OCHA will consider the following factors when making its decision to terminate assistance:

- The seriousness of the case, especially with respect to how it would affect other residents.
- The effects that termination of assistance may have on other members of the family who were not involved in the action or failure.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, or stalking.
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future.
- In the case of drug (including medical marijuana) or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.
- In the case of domestic violence by a household member who is no longer engaged in such behavior, whether the culpable household has successfully completed a supervised anger management program or has otherwise been rehabilitated successfully.
- OCHA will require the participant to submit evidence of the household member's successful completion of a supervised drug or alcohol rehabilitation program, or a supervised anger management program, or evidence of otherwise having been rehabilitated successfully.
- In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family.

**Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]**

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, OCHA will determine whether the behavior is related to the disability. If so, upon the family's request, OCHA will determine whether alternative measures are appropriate as a reasonable accommodation. OCHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance. See Chapter 2 for a discussion of reasonable accommodation.

**12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING]**

This section addresses the protections against termination of assistance that the Violence against Women Act of 2005 (VAWA) provides for victims of domestic violence, dating violence, and stalking. For general VAWA requirements and OCHA policies pertaining to

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notification, documentation, and confidentiality, see section 16-IX of this plan, where definitions of key VAWA terms are also located.

### **VAWA Protections against Termination**

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

First, VAWA provides that OCHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to OCHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.314(b)(4)].

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

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

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

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

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

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

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



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

Even when a victim poses an actual and imminent threat, however, HUD regulations authorize OCHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

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

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, or stalking.
- Whether the threat is a physical danger beyond a speculative threat.
- Whether the threat is likely to happen within a short period of time.
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat.

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

#### **Documentation of Abuse [24 CFR 5.2007]**

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

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

#### **Terminating the Assistance of a Domestic Violence Perpetrator**

Although VAWA provides protection against termination of assistance for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives OCHA the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others" without terminating assistance to "or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant." [24 CFR 5.2009(a)] This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state, or other federal law to the contrary. However, if OCHA chooses to exercise this authority, it must follow any

procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance. This means that OCHA will follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

OCHA will terminate assistance to a family member if OCHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the assistance of the remaining, nonculpable family members.

In making its decision, OCHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted to OCHA by the victim in accordance with this section and section 16-IX.D. OCHA will also consider the factors in section 12-II.D. Upon such consideration, OCHA may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If OCHA does terminate the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations, and the policies in this plan.

#### **12-II.F. TERMINATION NOTICE**

HUD regulations require OCHA to provide written notice of termination of assistance to a family only when the family is entitled to an informal hearing. However, since the family's HAP contract and lease will also terminate when the family's assistance terminates [form HUD- 52641], it is a good business practice to provide written notification to both owner and family anytime assistance will be terminated, whether voluntarily or involuntarily.

Whenever a family's assistance will be terminated, OCHA will send a written notice of termination to the family and to the owner of the family's unit. The notice will state the date on which the termination will become effective. This date generally will be at least 30 calendar days following the date of the termination notice, but exceptions will be made whenever HUD rules, other OCHA policies, or the circumstances surrounding the termination require. The notice will include the reasons for which assistance has been terminated.

When OCHA notifies an owner that a family's assistance will be terminated, OCHA will, if appropriate, advise the owner of his/her right to offer the family a separate, unassisted lease.

If a family whose assistance is being terminated is entitled to an informal hearing, the notice of termination that OCHA sends to the family will meet the additional HUD and OCHA notice requirements discussed in section 16-III.C of this plan.

Whenever OCHA decides to terminate a family's assistance because of the family's action or failure to act, OCHA will include in its termination notice the VAWA information described in section 16-IX.C of this plan and will request that a family member wishing to claim protection under VAWA notify OCHA within 15 calendar days.

Still other notice requirements apply in two situations:

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**12-III.C. EVICTION [24 CFR 982.310(E) AND (F) AND FORM HUD-52641-A, TENANCY ADDENDUM]**

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. The owner must give OCHA a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give OCHA a copy of any eviction notice (see Chapter 5).

If the eviction action is finalized in court, the owner must provide OCHA with documentation related to the eviction, including notice of the eviction date, as soon as possible.

**12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(H), 24 CFR 982.310(H)(4)]**

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The nature of the offending action.
- The seriousness of the offending action.
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy.
- The extent of participation by the leaseholder in the offending action.
- The effect of termination of tenancy on household members not involved in the offending activity.
- The demand for assisted housing by families who will adhere to lease responsibilities.
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action.
- The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs (including medical marijuana) or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise

been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, or stalking is limited by the Violence against Women Act of 2005 (VAWA) and the confirming regulations in 24 CFR Part 5, Subpart L. (See section 12-II.E.)

#### **12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY'S ASSISTANCE**

If a termination is not due to a serious or repeated violation of the lease, and if OCHA has no other grounds for termination of assistance, OCHA may issue a new voucher so that the family can move with continued assistance (see Chapter 10).

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format. See Chapter 9 for a discussion of the HAP contract execution process. Specific HAP contract provisions and responsibilities are discussed later in this chapter.

### **13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452,]**

The basic owner responsibilities in the HCV program are outlined in the regulations as follows:

- Performing all of the owner's obligations under the housing assistance payments (HAP) contract and the lease.
- Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
- Maintaining the unit in accordance with the Housing Quality Standards (HQS), including performance of ordinary and extraordinary maintenance.
- Complying with equal opportunity requirements.
- Preparing and furnishing to OCHA information required under the HAP contract.
- Collecting from the family any security deposit, the tenant's contribution to rent (that part of rent to owner not covered by the housing assistance payment from OCHA), and any charges for unit damage by the family.
- Enforcing tenant obligations under the dwelling lease.
- Paying for utilities and services (unless paid by the family under the lease).

Making modifications to a dwelling unit occupied or to be occupied by a disabled person [24 CFR 100.203]. Complying with the Violence against Women Act of 2005 (VAWA) when screening prospective HCV tenants or terminating the tenancy of an HCV family (see 24 CFR Part 5, Subpart L; 24 CFR 982.310(h)(4); and 24 CFR 982.452(b)(1)).

### **13-I.D. OWNER QUALIFICATIONS**

OCHA does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where OCHA may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. No owner has a right to participate in the HCV program [24 CFR 982.306(e)].

#### **Owners Barred from Participation [24 CFR 982.306(a) and (b)]**

OCHA will not approve the assisted tenancy if OCHA has been informed that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24. HUD may direct OCHA not to approve a tenancy request if a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements, or if such an action is pending.

#### **Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]**

OCHA will not approve an RTA if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. OCHA may make an exception as a reasonable accommodation for a family member with a disability. The owner is required to certify that no such relationship exists. This restriction applies at the time that the family receives assistance under the HCV program for occupancy of a particular unit. Current contracts on behalf of owners

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## PART IX: VIOLENCE AGAINST WOMEN ACT OF 2005 (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY

### 16-IX.A. OVERVIEW

The Violence against Women Act of 2005 (VAWA) provides special protections for victims of domestic violence, dating violence, and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If state or local laws provide greater protection for such victims, those laws take precedence over VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and OCHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and OCHA policies are located primarily in the following sections: 3-I.C, “Family Breakup and Remaining Member of Tenant Family”; 3-III.G, “Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking”; 10-I.A, “Allowable Moves”; 10-I.B, “Restrictions on Moves”; 12-II.E, “Terminations Related to Domestic Violence, Dating Violence, or Stalking”; and 12-II.F, “Termination Notice.”

### 16-IX.B. DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- The term immediate *family member* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
  - Any other person living in the household of that person and related to that person by blood and marriage.
- The term *stalking* means:

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

### **16-IX.C. NOTIFICATION [24 CFR 5.2005(A)]**

#### **Notification to Public**

OCHA adopts the following policy to help ensure that all actual and potential beneficiaries of its HCV program are aware of their rights under VAWA.

OCHA 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 HCV program applicants and participants who are or have been victims of domestic violence, dating violence, or stalking.
- An explanation of the documentation that OCHA may require from an individual who claims the protections provided by VAWA.
- A copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking.
- A statement of OCHA's obligation to keep confidential any information that it receives from a victim unless (a) OCHA 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.
- 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.

#### **Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]**

PHAs are required to inform program participants of their rights under VAWA, including their right to confidentiality and the limits thereof. Since VAWA provides protections for applicants as well as participants, PHAs may elect to provide the same information to applicants.

OCHA will provide all participants with notification of their protections and rights under VAWA at the time of admission and at annual reexamination. OCHA will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).

The VAWA information provided to applicants and participants will consist of the notice in Exhibit 16-1 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

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**Notification to Owners and Managers [24 CFR 5.2005(a)(2)]**

OCHA is required to notify owners and managers participating in the HCV program of their rights and obligations under VAWA.

OCHA will provide owners and managers with information about their rights and obligations under VAWA when they begin their participation in the HCV program and at least annually thereafter.

The VAWA information provided to owners will consist of the notice in Exhibit 16-2 and a copy of form HUD-50066, Certification of Domestic Violence, Dating Violence, and Stalking.

**16-IX.D. DOCUMENTATION [24 CFR 5.2007]**

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. OCHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy OCHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator
- (2) A federal, state, tribal, territorial, or local police report or court record
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

OCHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [VAWA final rule].

Any request for documentation of domestic violence, dating violence, or stalking will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline. OCHA may, in its discretion, extend the deadline for 10 business days. Any extension granted by OCHA will be in writing.

**Conflicting Documentation [24 CFR 5.2007(e)]**

In cases where OCHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, OCHA may determine which is the true victim by



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requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). OCHA will honor any court orders issued to protect the victim or to address the distribution of property.

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, OCHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) or (3) and by following any HUD guidance on how such determinations should be made.

**Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]**

OCHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

If OCHA accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, or stalking, OCHA will document acceptance of the statement or evidence in the individual's file.

**Failure to Provide Documentation [24 CFR 5.2007(c)]**

In order to deny relief for protection under VAWA, OCHA will provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as OCHA may allow, OCHA may deny relief for protection under VAWA.

**16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(B)(4)]**

All information provided to OCHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, will be retained in confidence. This means that OCHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, OCHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.