

2018 SUMMARY OF ADMINISTRATIVE PLAN PROPOSED CHANGES

- 1) **Section 1-II.D APPLICABLE REGULATIONS** has been updated to include the following regulation: **24 CFR Part 100: The Fair Housing Act**
 - The process for establishing and revising voucher payment standard, **including policies on administering decreases in the payment standard during the HAP contract terms** (Chapter 16).
- 2) **Section 1-III.F DURHAM HOUSING AUTHORITY'S SEXUAL HARRASSMENT POLICY** has been newly added to Chapter 1 of the Administration Plan.
- 3) The address for the City of Durham's Human Relations Department within **Section 2-II.B FAIR HOUSING AND EQUAL OPPORTUNITY PROCEDURES – Affirmatively Furthering Fair Housing** has been updated as follows:

Durham Human Relations Department
Golden Belt Center
807 E Main Street
Building 2
Durham, NC 27701
Telephone No.: (919) 560-4107
- 4) **Section 3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY – Family Breakup** has been revised to include a reference to **Notice PIH 2017-08**, and includes the following language regarding HUD VASH Voucher families:
 - **In accordance with Notice PIH 2017-08, for HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers, when the veteran is the perpetrator of domestic violence, dating violence, sexual assault, or stalking, the victim must continue to be assisted. Upon termination of the perpetrator's HUD–VASH voucher, the victim should be given a regular HCV if one is available, and the perpetrator's HUD–VASH voucher should be used to serve another eligible family. If a regular HCV is not available, the victim will continue to use the HUD–VASH voucher, which must be issued to another eligible family upon the voucher's turnover.**
- 5) The following language has been added to **Section 3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE – Previous Behavior in Assisted Housing:**

Per the alternative requirements listed in the *Federal Register* notice dated December 29, 2014, PHAs are no longer permitted to deny assistance to a family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program [FR Notice 12/29/14].

This new language replaces the following language which has been removed from the DHA policy:

The PHA will not deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

- 6) DHA policy has been revised in **Section 3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE – Applicants Who Owe A Debt to a PHA:**

DHA Policy

If the balance is not paid in full, or the applicant does not provide proof of being in good standing with **or entering into an approved** repayment plan with the previous PHA, the application is withdrawn from the waiting list and the applicant must reapply when the waiting list is re-opened.

- 7) DHA Policy within **Section 3-III.D. SCREENING – Screening for Eligibility** has been updated as follows:

DHA Policy

If the results of the criminal background check indicate that there may be past criminal activity (**felony level**) **within the past three years**, DHA will send the applicant a **Notice of Intent to Deny Assistance, in addition to an Arrest and Conviction Form**, by which the applicant can **explain the nature of the circumstances surrounding the criminal activity, and provide any documentation in support of his/her rehabilitation efforts.**

DHA will also review the applicant’s criminal background for patterns of violent or drug-related criminal activity, including misdemeanor level activity. DHA has the discretion to deny assistance for such patterns of criminal activity, under the grounds that said activity would negatively impact other resident’s health, safety, or right to peaceful enjoyment of the premises.

(***Previous policy did not specify felony level criminal activity, nor explain DHA’s procedure for allowing applicants the opportunity to provide additional information for consideration, prior to being officially denied assistance, and prior to the Informal Hearing stage.)

- 8) DHA Policy within **Section 3-III.D. SCREENING – Exceptions to Screening Procedures** has been updated to specify that the three year look back period is for felony level criminal activity. A Certificate of Relief, issued by a court official has also been added to the types of documentation/verification DHA will accept in considering the applicant’s eligibility for housing assistance.

- 9) DHA Policy within **Section 3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING - Notification** has been updated to include “**poor rental history**” as one of the unfavorable histories that a victim of domestic violence may have. DHA Policy within this section has been updated to include the following language:

DHA Policy

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

- 10) The Public Housing Preference within Section 4-III.C. SELECTION METHOD – Preferences and Point Values has been updated to include applicant families temporarily displaced due to Rental Assistance Demonstration (RAD).
- 11) The following admissions preference has been updated within Section 4-III.C. SELECTION METHOD – Preferences and Point Values as follows:

(5) Family Unification Preference

The Family Unification Program is a program to promote family unification by providing rental assistance for (1) families for whom the lack of adequate housing is a primary factor in the separation, or imminent separation of children from their families (**there is no maximum length of time that this population can receive assistance**); or (2) youth between the ages of 18-24 who left foster care at age 16 or older, or will leave foster care within 90 days, and are homeless or at risk of becoming homeless (**the maximum length of time for this population to receive assistance is 36 months**).

- 12) The following verbiage has been removed from Section 4-III.C. SELECTION METHOD – Limitation on Number of FUP Vouchers Issued:

“DHA will permanently close the waiting list for the Family Unification category after 15 applicant families have successfully leased housing under this program.”

The following language has replaced the verbiage above:

“Should DHA be awarded HUD funding for the Family Unification Program, the number of vouchers allocated to serve the FUP population may increase.”

- 13) The following admissions preference has been added to Section 4-III.C. SELECTION METHOD – Preferences and Point Values:

(6) Mainstream Voucher Preference

Should HUD award funding to Durham Housing Authority for mainstream vouchers, DHA will provide a preference in its administrative plan for non-elderly persons with disabilities transitioning out of institutional and other segregated settings, at serious risk of institutionalism, homeless, or at risk of becoming homeless.

DHA Policy

Such families shall be added to the HCV Waiting List via referral from Alliance Behavioral Healthcare, or via direct application, and assigned 40 points for meeting the mainstream voucher preference criteria.

- 14) The following new DHA Policy has been added to **Section 4-III.C. SELECTION METHOD – Opening and Closing the Waiting List for Preference Families:**

DHA Policy

Once DHA closes the HCVP waiting list to the public, the waiting list will only remain open for referrals that meet the Public Housing preference, Natural Disaster preference, Mainstream Voucher Preference, Homeless Provider referrals, Family Unification Program referrals, and Conversions of Assistance.

- 15) The following referral criteria has been added to **Section 4-III.C. SELECTION METHOD – Durham CoC Homeless Provider Referrals:**

DHA will allow a maximum of 15 referrals, out of the 225 made available through this referral process, for formerly chronically homeless tenants coming from Permanent Supportive Housing programs within Durham’s Continuum of Care. Each referred applicant household must meet the following criteria:

- Must be currently enrolled in a Permanent Supportive Housing program, and have been a resident for no less than two years;
- Must be employed and/or have enough income to pay for basic living expenses, with the understanding that 30% of income will go towards housing rental payments;
- Must be current in their rental payments, with no more than one late payment within the last six months prior to referral to DHA; and
- Must meet DHA’s eligibility criteria

- 16) The following 2 referral criteria have been removed from **Section 4-III.C. SELECTION METHOD – Referrals:**

- Youth aging out of foster care age 18-24: Available for youth referred from NC Department of Social Services for the FUP program, who can verify that they were residents of a state-funded foster care system within twelve months of the onset of adulthood or emancipation. - 30 points (this criteria has now been combined with the Family Unification Preference)
- Referrals from the authorized Durham, NC entity administering the STRMU (Short-Term Rent, Mortgage, and Utility Assistance) program, sponsored by the City of Durham’s Department of Community Development, in order to meet the Permanent Housing Placement Requirement – 40 points

- 17) DHA Policy has been revised to specify HUD forms 5380 and 5382 within **Section 5-I.B. BRIEFING – Additional Items to Include in the Briefing Packet:**

DHA Policy

DHA will provide the following additional materials in the briefing packet:

- The HUD pamphlet on lead-based paint entitled Protect Your Family from Lead in Your Home
- Information on how to fill out and file a housing discrimination complaint form.
- **The form HUD-5380 domestic violence certification form and the form HUD-5382 notice of occupancy rights, which contains information on VAWA protections for victims of domestic violence, dating violence, sexual assault, and stalking**

The highlighted language above replaces the following bullet within this section:

- Information about the protections afforded by the Violence against Women Act of 2013 (VAWA) to victims of domestic violence, dating violence, sexual assault, and stalking (see section 16-IX.C)

- 18) DHA Policy within **Section 5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE** has been revised as follows:

DHA Policy

DHA will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the same sex that have an age difference of 10 years will be allocated separate bedrooms.

***(Previous policy allocated a separate bedroom for persons of the same sex that had an age difference of two generations)

- 19) DHA Policy within **Section 5-II.C EXCEPTIONS TO SUBSIDY STANDARDS** has been updated to reflect that DHA will consider granting as a reasonable accommodation, any exception to the subsidy standards.

- 20) DHA Policy within **Section 7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS—Requirements for Acceptable Documents** has been revised as follows:

DHA Policy

Any documents used for verification must be dated within 60 days of the **PHA request** (e.g. birth certificates, social security cards, etc.). The documents must not be damaged, altered or in any way illegible.

** (The previous policy required verification documents within 60 days of **the date they are provided to the PHA, and required that all documents be originals and not photocopies**).

- 21) The DHA Policy in **Section 7-I.C. UP-FRONT INCOME VERIFICATION (UIV): EIV Income Reports** has been revised as follows:

DHA Policy

Income reports will be used in interim reexaminations **to identify any discrepancies between reported income and income shown in the EIV system**, and as necessary to **verify earned income, and to verify and calculate** unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

- 22) The following language has been added to the DHA Policy within **Section 7-III.I. ZERO ANNUAL INCOME STATUS**

DHA Policy:

When DHA conducts Annual/Interim or Transfer reviews of zero-income families, DHA will require the prior years' tax return documentation (if filed), for all household members claiming zero-income status. Tax return information will only be required annually for these individuals.

- 23) The following revisions have been made to **Section 8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL:**

All references to “environmental intervention” blood lead level within this section have been changed to “**elevated**” blood lead level. In addition, all references to a “risk assessment” have been changed to an “**environmental investigation.**”

- 24) **EXHIBIT 8-1: OVERVIEW OF HUD HOUSING QUALITY STANDARDS – Lead-Based Paint:**

All references to “environmental intervention” blood level within this section have been changed to “**elevated**” blood level. In addition, all references to a “risk assessment” have been changed to an “**environmental investigation.**”

- 25) The following language has been added to the DHA Policy within **Section 9-I.G. HAP CONTRACT EXECUTION:**

DHA Policy

The following DHA representatives are authorized to execute a HAP contract on behalf of DHA:

- HCVP Director
- Program Manager
- Eligibility Supervisor

As required under VAWA 2013, once the HAP contract and lease have been executed and the family has been admitted to the program, DHA will notify families of their rights under VAWA by providing all families with a copy of the domestic violence certification form (HUD-5382) as well as the VAWA notice of occupancy rights (form HUD-5380).

- 26) DHA Policy within **Section 10-I.A. ALLOWABLE MOVES** has been updated with new language and revised as follows:

DHA Policy

If a family requests permission to move with continued assistance **or for an external transfer to another covered housing program operated by the PHA**, based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking, DHA will request **that the resident request the emergency transfer using form HUD-5383, and DHA will request** documentation in accordance with section 16-IX.D of this plan.

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

DHA may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator.

Before granting an emergency transfer, DHA will ensure the victim is eligible to receive continued assistance based on the citizenship or immigration status of the victim.

DHA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan **and discusses external transfers to other covered housing programs.**

- 27) The following language has been added to the DHA Policy within **Section 11-II.C. CHANGES AFFECTING INCOME OR EXPENSES - DHA-Initiated Interim Reexaminations**

DHA Policy:

When DHA conducts Annual/Interim or Transfer reviews of zero-income families, DHA will require the prior years' tax return documentation (if filed), for all household members claiming zero-income status. Tax return information will only be required annually for these individuals.

- 28) The following language has been added to the DHA Policy within **Section 11-II.C. CHANGES AFFECTING INCOME OR EXPENSES - Family-Initiated Interim Reexaminations**

DHA Policy:

DHA will continue to conduct Zero-Income classes three times per year, for all households reporting zero income. Should an increase in income be verified, DHA will conduct an interim re-examination to account for the increase in income, even if outside of the annual re-examination time frame.

DHA will conduct interim re-examinations as requested by applicant or participant families in the process of moving. Any changes in income reported during the submission of a Request for Tenancy Approval (RFTA), will be utilized to determine affordability of the proposed unit.

- 29) DHA policy within **Section 11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES – Utility Allowances** has been updated as follows regarding utility reimbursement payments:

DHA Policy

At each annual re-examination DHA will require the family to provide a copy of all current tenant-paid utility bills. Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination after the allowance is adopted. When a family receives a utility reimbursement payment, the family must supply DHA with **a copy of the utility bill for the applicable unit, indicating an** account number for use in accurately paying the utility provider. Should the family fail to provide the requested information, **the utility reimbursement payment will not be paid. Should the family relocate from the unit or be terminated from the HCV program prior to providing DHA the utility information needed to pay the utility reimbursement, the family will be considered to have forfeited this reimbursement.**

DHA will review the utility allowance assigned to the unit and any utility reimbursement payment **may** be paid directly to the highest cost utility supplier, **or directly to the tenant at the PHA's discretion.**

***(Previous policy stated that the PHA would terminate the family for failure to submit the required utility information, and that the utility reimbursement would be paid directly to the utility provider; there was no discretion for changing this procedure at a later date).

- 30) The following language has been added to **Section 12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS - Other Authorized Reasons for Termination of Assistance:**

Additionally, per the alternative requirements listed in the *Federal Register* notice dated December 29, 2014, PHAs are no longer permitted to terminate assistance to a family due to the family's failure to meet its obligations under the Family Self-Sufficiency (FSS) contract of participation [FR Notice 12/29/14].

***Note: The above language replaces the following language previously listed in the DHA Policy within this section:

“DHA **will not** terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program. DHA shall terminate participation in the Family Self-Sufficiency program due to inactivity. Inactivity is defined as the failure to escrow after participating for 24 months unless the participant is enrolled in qualified institution receiving training, certification or seeking a degree.”

- 31) DHA Policy has been slightly modified within **Section 12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING – Limitations on VAWA Protections,** in addition to the following language being added:

In order to demonstrate an actual and imminent threat, DHA must have objective evidence of words, gestures, actions, or other indicators. Even when a victim poses an actual and imminent threat, however, HUD regulations authorize DHA 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)].

DHA Policy

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

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen **within an immediate time frame**

32) The following new language has been added to **Section 12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING – Terminating the Assistance of a Domestic Violence Perpetrator:**

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

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

33) Form HUD-5380 was added as an additional reference within DHA Policy in **Section 12-II.F. TERMINATION NOTICE**

34) DHA Policy within **EXHIBIT 12-1 – STATEMENT OF FAMILY OBLIGATIONS** has been updated as follows, in accordance with the change to DHA Policy regarding Utility Reimbursement Payments:

DHA Policy

DHA requires the family to provide a copy of the utility bills at each reexamination and when a utility reimbursement (URP) is paid. Utility reimbursements **may be** paid directly to the utility supplier, **or directly to the family, at the PHA’s discretion**; therefore, to ensure proper credit of any utility reimbursement payment, the family must supply permission to discuss the account with the supplier and a copy of the bill to verify the account number to credit. Should the family fail to supply the requested information, **the utility reimbursement payment will not be paid. Should the family relocate from the unit or be terminated from the HCV program prior to providing DHA the utility information needed to pay the utility reimbursement, the family will be considered to have forfeited this reimbursement.**

35) The following verbiage has been added to **Section 15-VII.N. DENIAL OR TERMINATION OF ASSISTANCE:**

DHA may also deny or terminate assistance for violation of participant obligations described in 24 CFR Parts 982.551 or 982.633 and in accordance with its own policy, **with the exception of failure to meet obligations under the Family Self-Sufficiency program as prohibited under the alternative requirements set forth in FR Notice 12/29/14.**

36) All references to “environmental intervention” blood level have been changed to “elevated” blood level, within the **Introduction** Section of **Chapter 16 – Program Administration**.

37) The following sub-section and DHA Policy has been realigned to immediately follow the sub-section entitled “*Evidence*” within **Section 16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS** (all verbiage remains the same):

Procedures for Rehearing or Further Hearing

DHA Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the PHA will take effect and another hearing will not be granted.

38) The following verbiage has been removed from **Section 16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS:- Hearing Officer’s Decision:**

“A copy of the hearing must be furnished promptly to the family.”

39) The following new sub-section and DHA Policy has been added to **Section 16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS:**

Issuance of Decision [24 CFR 982.555(e)(6)]

A copy of the hearing must be furnished promptly to the family.

DHA Policy

The hearing officer will mail a “Notice of Hearing Decision” to DHA and to the participant on the same day. This notice will be sent by first-class mail. The participant will be mailed the original “Notice of Hearing Decision” and a copy of the proof of mailing. A copy of the “Notice of Hearing Decision” will be maintained in DHA’s file.

40) The subsection entitled “*DHA Notice of Final Decision*” has been changed to “*Effect of Final Decision*,” within **Section 16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS**, and the existing DHA Policy within this section has been replaced with the following policy:

DHA Policy

The Executive Director has the authority to determine that DHA is not bound by the decision of the hearing officer because DHA was not required to provide a hearing, the decision exceeded the

authority of the hearing officer, the decision conflicted with or contradicted HUD regulations, requirements, or the decision was otherwise contrary to federal, state, or local laws.

In such a case, DHA will mail a “Notice of Final Decision” to the participant on the same day. The “Notice of Final Decision” will be sent by first-class mail. A copy of this notice will be maintained in DHA’s file.

***Note - The above policy replaces the former policy listed below:

DHA Policy

“DHA will mail a “Notice of Final Decision” including the hearing officer’s report, to the participant and their representative. This Notice will be sent by first-class mail, postage pre-paid with an affidavit of mailing enclosed. The participant will be mailed the original “Notice of Final Decision” and a copy of the proof of mailing. A copy of the “Notice of Final Decision” along with the original proof mailing will be maintained in DHA’s file.”

- 41) The following verbiage was added to **Section 16-VI.B. RECORD RETENTION & DISPOSITION:**

“DHA must keep confidential records of all emergency transfers requested by victims of domestic violence, dating violence, sexual assault, and stalking under DHA’s Emergency Transfer Plan, as well as the outcomes of such requests, and retain the records for a period of three years [24 CFR 5.2002(e)(12)].”

- 42) All references to children with “environmental intervention” blood lead levels have been changed to “elevated blood lead levels” within **CHAPTER 16 - PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL**

- 43) The existing DHA Policy within **Section 16-IX.C. NOTIFICATION - Notification to Program Applicants and Participants** has been revised to reflect that DHA will provide VAWA information “as part of the written briefing packet, and at the time the family is admitted to the program.”

The following new language and new DHA Policy has also been added to this section:

DHA is not limited to providing VAWA information at the times specified in the above policy. If DHA decides to provide VAWA information to a participant following an incident of domestic violence, Notice PIH 2017-08 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases DHA make alternative delivery arrangements that will not put the victim at risk.

DHA Policy

Whenever the PHA has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, the PHA may decide not to send mail regarding VAWA protections to the victim’s unit if the PHA believes the perpetrator may have access to the victim’s mail, unless requested by the victim.

When discussing VAWA with the victim, the PHA will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

- 44) **Section 16-IX.D. DOCUMENTATION [24 CFR 5.2007]** has been updated to reflect that VAWA forms may be completed and submitted to the agency on behalf of the victim. The following revisions have been made to the existing DHA Policy within this section:

DHA Policy

Any request for documentation of domestic violence, dating violence, sexual assault or stalking will be in writing, 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.

DHA may, in its discretion, extend the deadline for 10 business days. **In determining whether to extend the deadline, DHA will consider factors that may contribute to the victim’s inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim’s need to address health or safety issues.** Any extension granted by DHA will be in writing.

Once the victim provides documentation, DHA will acknowledge receipt of the documentation within 10 business days.

- 45) The following language has been added to **Section 16-IX.D. DOCUMENTATION – Conflicting Documentation:**

“DHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to DHA. Individuals have 30 calendar days to return third-party verification to DHA. If DHA does not receive third-party documentation, and proposes to deny or terminate assistance as a result, DHA must hold separate hearings for the tenants [Notice PIH 2017-08].”

DHA Policy within this same section has been updated to include the following new language:

DHA Policy

When requesting third-party documents, DHA will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If DHA does not receive third-party documentation within the required timeframe (and any extensions) DHA will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, DHA will hold separate hearings for the applicants or tenants.

- 46) The following language has been added to **Section 16-IX.D. DOCUMENTATION – Discretion to Require No Formal Documentation**, in addition to the DHA Policy within this section:

DHA 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). **HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.**

DHA Policy

If DHA accepts an individual’s statement or other corroborating evidence (**as determined by the victim**) of domestic violence, dating violence, sexual assault or stalking, DHA will document acceptance of the statement or evidence in the individual’s file.

- 47) All references to “**Durham Housing Authority (DHA)**” have been changed to the “**Housing Choice Voucher Program**” within **EXHIBIT 16-1: NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380**.

- 48) **EXHIBIT 16-5: NOTICE TO HOUSING CHOICE VOUCHER OWNERS AND MANAGERS OF YOUR RIGHTS AND OBLIGATIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)** has been completely revised with new language that replaces the previous language in the notice.

- 49) The following verbiage has been added to **Section 17-I.A. OVERVIEW - Additional Project-Based Units:**

DHA may project-base an additional 10 percent of its units above the 20 percent program limit, if the units:

Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates. **(For these projects, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17]).**

- 50) The following criteria was added to the list of criteria necessary for a unit not to be subject to HUD’s PBV cap, within **Section 17-I.A. OVERVIEW - Units Not Subject to the PBV Program Limitation:**

In order to be excepted, the unit must meet the following conditions:

- Received assistance under the Flexible Subsidy Program (Section 201 of the Housing and Community Development Amendments of 1978)

- 51) The following verbiage has been added to **Section 17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT - Exceptions to 25 Percent per Project Cap:**

Exceptions are allowed and PBV units are not counted against the 25 percent per project cap if:

- The project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates (**For these projects, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].**)

- 52) Existing language within **Section 17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT - Exceptions to 25 Percent per Project Cap** has been given a sub-heading entitled “**Supportive Services**,” and the following verbiage has been added to this section of the plan:

Supportive Services

DHA must include in the PHA’s administrative plan the type of services offered to families for a project to qualify for the exception and the extent to which such services will be provided. The project must make supportive services available to all families receiving PBV assistance in the project, but the family does not actually have to accept and receive supportive services for the exception to apply to the unit, **although the family must be eligible to receive the supportive services.**

In addition, the following language has been removed from this section of the plan:

“If a family at the time of initial tenancy is receiving, and while the resident of an excepted unit has received, FSS supportive services or any other supportive services as defined in the PHA administrative plan, and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit, although the family is no longer eligible for the service.”

- 53) A reference to **Section 202** has been added to all references to Housing for the Elderly within **Section 17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT - Exceptions to 25 Percent per Project Cap**

- 54) DHA Policy within **Section 17-V.C – AMENDMENTS TO THE HAP CONTRACT - Addition of Contract Units** has been changed as follows:

DHA Policy

DHA will consider adding additional units after the HAP contract has been executed. The owner must provide detailed information explaining the need to add the additional units. Decisions will be made on a case-by-case basis.

(Note: Previous policy stated that DHA would not consider adding additional units to an executed HAP contract.)

- 55) The following sub-section and DHA Policy regarding VAWA Emergency Transfers for PBV participants has been added to **Section 17-VII.C. MOVES:**

Emergency Transfers under VAWA [Notice PIH 2017-08]

Except where special consideration is needed for the project-based voucher program, DHA will follow VAWA policies as outlined in Chapter 16 Part IX of this administrative plan, including using the Emergency Transfer Plan as the basis for PBV transfers under VAWA (Exhibit 16-4).

HUD requires that DHA include policies that address when a victim has been living in a unit for less than a year or when a victim seeks to move sooner than a tenant-based voucher is available.

DHA Policy

When the victim of domestic violence, dating violence, sexual assault, or stalking has lived in the unit for less than one year, DHA will provide several options for continued assistance.

DHA will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where DHA has PBV units. DHA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to tenant-based rental assistance (HCV). Such a decision will be made by DHA based on the availability of tenant-based vouchers. Such families must be selected from the waiting list for the applicable program.

If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, DHA will offer the participant an internal transfer to another PBV unit in the same development or a transfer to a different development where DHA has PBV units. DHA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

- 56) The following verbiage has been added to **Section 17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP:**

The PHA may not pay housing assistance under a PBV HAP contract for more than the greater of 25 units or 25 percent of the number of dwelling units in a project:

- The project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates (**For these projects, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].**)

- 57) The entire **Chapter 18 RENTAL ASSISTANCE DEMONSTRATION** has been updated to include Parts VI thru XIII, which specifically discuss PBV Conversion.