



Harris County Housing Authority
5 Year Plan for Fiscal Years 2021-2026

DRAFT

5 Year - PHA PLAN
HARRIS COUNTY HOUSING AUTHORITY

A PHA Information

A.1 PHA Name: Harris County Housing Authority
PHA Code: TX441
PHA Type: Administering Housing Choice Voucher (HCV) Only
PHA Fiscal Year Beginning: April 1, 2020

Inventory

Number of PH units: 0
Number of HCV units: 4576
Number of VASH units: 673

Submission Type

5-Year Plan

B. 5-Year Plan Elements

- B.1 Mission:** State the PHA's Mission for serving the needs of the low-income, very low-income, and extremely low-income families in the PHA's jurisdiction for the next five years.
- **Mission Statement:** To provide quality affordable housing and assist residents in achieving economic independence.
 - **Vision Statement:** To be a premier housing authority that is recognized for service to its residents.
 - **Guiding Principles:**
 - Assist the most in need and most vulnerable
 - Reduce the number of homeless families
 - Serve homeless and disabled Veterans
 - Improve the self sufficiency of residents
 - Ensure the safety and well-being of our residents
 - Ensure fiscal integrity
 - Provide quality management and proper maintenance of our facilities

B.2 Goals and Objectives

Housing Needs and Strategy for Addressing Housing Needs

- ☑ Continue to operate HCHA's current Housing Choice Voucher program between 98 and 100% of occupancy as permitted by HCHA's annual budget authority (ABA) and net restricted asset (NRA) account.
- ☑ HCHA has received an additional 65 VASH voucher in 2016. HCHA currently manages 673 VASH vouchers. The vouchers are set aside to help house homeless veterans. HCHA will continue to work with the VA to house veterans and encourage self-sufficiency.
- ☑ Continuing to provide a local preference for homeless families with school-aged children.
- ☑ Develop communities through public/private partnerships using public and private sources of funding as well as utilizing market principles. Increase affordable housing options for residents of Harris County by creating healthy communities using a holistic and comprehensive approach to ensure long-term marketability and sustainability and to support excellent outcomes for families, especially children, with emphasis on excellent, high performing neighborhoods schools and excellent quality of life amenities, such as first-class retail and green space.
- ☑ Continuing to meet the Housing needs of families in the Harris County Housing Authority's jurisdiction as identified in the Harris County Consolidated Plan:

Low-income Households: "Low-income households have increased over the last five-year period. According to the 2009 Consolidated Housing Affordability Strategy (CHAS) data from HUD, 32.8 percent of all households in the CSD service area are low- to moderate-income. Of all households with at least one housing need, 78.5 percent of those are low- to moderate-income. This represents 407,155 low-income households. Out of those 407,155 households, 81.8 percent have housing needs because of a housing cost burden greater than 30% of income, 16.0 percent because of overcrowding, and 2.1 percent because of a lack of plumbing infrastructure."

Renters/Owners: "According to the 2009 CHAS data, renters constitute 45.9 percent of all low- to moderate income households with at least one housing need and owners comprise 54.9 percent. Based on these totals, both renters and owners need some form of housing assistance, such as rental assistance, housing rehabilitation, and new construction of affordable units. Renter and owner households in need of housing were determined based upon the estimated housing cost deficits and rehabilitation needs of those households."

Large Households: "Large, related households of five or more persons face a number of housing challenges, most notably, finding an affordable residence large enough to accommodate all family members. According to the 2009 CHAS data, this household type accounts for 18.4 percent of all low- and moderate-income households in the CSD service area. Large related households earning less than 30 percent of the Median Family Income (MFI) face major housing affordability deficits, and based on estimated housing cost deficits, low- to moderate-income, large households are identified as having a high housing cost burden. There are 29,155 large, related households with housing needs because of a housing cost burden greater than 30 percent of income in Harris County. In particular, large households earning less than 30 percent of the MFI are faced with cost deficits of as much as \$750 in meeting the fair market rent for housing units with three-or-more bedrooms."

"Large households are threatened with housing-cost burdens due to the cost of existing housing and the lack of large, affordable rental housing units. According to HUD, the monthly fair market rent for three-bedroom units in the Harris County area was \$1,241 in 2011. For very-low (0-30 percent MFI) and low- (31-50 percent MFI) income families of five or more persons, a rent at this rate creates a significant housing deficit, often leading to overcrowding and other housing problems."

Small Related Households: "Small, related households of two to four persons are also in need of some form of housing assistance. According to the 2009 CHAS data, this household type accounts for 45.4 percent of all low- and moderate-income households in the CSD service area. Small related households earning less than 30 percent of the MFI face housing affordability deficits. There are 76,792 small related households with housing needs because of a housing cost burden greater than 30% of income."

Other Households: "All other households, primarily single persons living alone, face number of housing problems, most notably issues of substantial cost burden. There are 32,200 other households in the CSD service"

area with housing needs because of a housing cost burden greater than 30% of income. According to the CHAS data, other households make up 1.5 percent of households facing overcrowding issues.”

Elderly Households: “According to the 2010 U.S. Census, there were 208,085 elderly (65 years and older) occupied housing units in Harris County (including CSD non-service area). According to CHAS data, low income households containing at least one elderly person (age 62 or older) make up 21.9 percent of all low-income households in the CSD service area. Low- to moderate-income elderly households are more likely to need some form of housing assistance, such as minor rehabilitation, rental assistance, or utility assistance. There are 24,851 other households in the CSD service area with housing needs because of a housing cost burden greater than 30% of income.

Persons with Disabilities: “According to the 2010 U.S. Census Bureau profile for Harris County, there were over 360,000 non-institutionalized persons reporting a disability. As of 2010, the percentage of disabled persons who earned incomes below the poverty level was approximately 8 percent higher than the percentage of persons without a disability below the poverty level. The median earnings of persons between 16 years of age and older with a disability is \$21,949, compared to \$29,316 for persons without a disability. Lower earnings make finding affordable and accessible housing more difficult for those individuals with a disability.”

Persons living with HIV/AIDS: The Texas Department of State Health Services estimates that nearly one third (32 percent) of all People Living with HIV/AIDS (PLWH) in Texas live in the Houston Eligible Metropolitan Area (EMA). According to the City of Houston Quarterly HIV/AIDS report, Texas ranks as one of the states reporting the highest number of cumulative HIV/AIDS cases among residents as of June 2012, with 28,659 AIDS cases and 20,699 HIV cases. Since 2004, the number of PLWH in the Houston EMA has increased by approximately five percent each year. According to the 2010 Texas Integrated Epidemiologic Profile for HIV/AIDS Prevention and Services Planning, nearly half (49 percent) of all persons living with HIV in the Houston EMA were Black males and females, followed by White males and females at 13 percent. Persons with HIV/AIDS generally have a more difficult time retaining employment due to discrimination and/or illness and risks of exposure to illness. These factors, combined with the high costs of health care, result in a greater likelihood for persons with HIV/AIDS to have low incomes and a greater need for affordable housing. Harris County places a high priority on housing projects servicing persons with HIV/AIDS through homeownership, new home construction, single-family home rehabilitation, and rental assistance programs. According to HUD’s 2011 Continuum of Care Housing 2013-2017 Consolidated Plan-Five-Year Strategic Plan 5-7 Inventory Report, Harris County helped fund a number of projects through the AIDS Foundation Houston, totaling almost 300 beds for persons living with HIV/AIDS.

Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.

Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

PHA Policy

1. HCHA will select families from the waiting list as follows:
 - When selecting families that applied in 2016, the PHA will use the following local preferences:
 - a. HCHA will offer a preference to any family that has been terminated from HCHA’s HCV program due to insufficient program funding.

- b. HCHA will offer a preference to families that include victims of domestic violence, dating violence, sexual assault, or stalking who are seeking an emergency transfer under VAWA from other covered housing programs operated by the HCHA.
 1. The applicant must certify that the abuser will not reside with the applicant unless HCHA gives prior written approval.
2. HCHA will house up to 100 families who were selected due to qualifying for HCHA's Judge Ed Emmett Mental Health Diversion Program preference. To qualify for the preference, applicants must meet all of the following criteria:
 - a. Qualify as homeless as defined by Section 103 of the McKinney-Vento Act (42 U.S.C. 11302); and
 - b. Be referred to HCHA by Judge Ed Emmett Mental Health Diversion Program.
3. The PHA will issue up to 125 vouchers for homeless families affected by Hurricane Harvey under the HCCSD – Disaster Recovery Housing Case Management Program. The PHA will offer a voucher to applicants who meet all the following criteria:
 - a. Qualify as homeless as defined by section 103 of the McKinney-Vento Act (42 U.S.C. 11302);
 - b. The PHA must receive a written commitment from the referring agency (Harris County Community Services Department/Coalition for the Homeless) to provide search assistance and supportive services.
4. The PHA will issue up to 25 Foster Youth to Independence (FYI) Tenant Protection Vouchers (TPV) each year. The PHA will enter into an agreement with the Coalition for the Homeless and The Harris County Protective Services (HAY Center) to assist the youth in achieving self-sufficiency. The agreement will establish timeframes (no more than 36 months) for Youths transitioning out of the foster care system. The PHA will offer a voucher to applicants who meet all the following criteria:
 - a. Has attained at least 18 years and not more than 24 years of age;
 - b. Left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act at age 16 or older;
 - c. Is homeless or is at risk of becoming homeless as defined by section 103 of the McKinney-Vento Act (42 U.S.C. 11302); and
 - d. Are referred to HCHA by a Public Child Welfare Agency (PCWA), i.e. Harris County Child Protective Services (HAY Center) and the Coalition for the Homeless with whom HCHA has executed a Memorandum of Understanding outlining the provider's responsibility to provide supportive services for the referred Youth;
5. Each year, HCHA will issue vouchers to up to 20 families that qualify for HCHA's Shelter Plus Care program preference. To qualify for the preference, applicants must be referred by an agency that administers Shelter Plus Care vouchers on behalf of Harris County Housing Authority. The referring agency must submit a Shelter Plus Care referral form indicating:
 - a. The family is a suitable candidate for HCHA's HCV Program even though the family will no longer be receiving the ongoing social services provided by the Shelter Plus Care Program, and;
 - b. A commitment by the referring agency to provide housing search assistance and supportive services to help the household transition from Shelter Plus Care to HCV, including complying with Housing Choice Voucher program rules.

Currently working with CSD developing housing communities.

HCHA broke ground on The Villas at Eastwood (Fenix Estates) in June 2017. This development consists of 200 units (180 affordable and 20 market rate) near downtown Houston, Texas. The project is about 68% complete. The estimated completion date for this development is set for late Spring/early Summer 2019.

HCHA is in partnership with several developers. HCHA anticipates submitting five to seven funding applications (Harvey CDBG-DR funds) to the Harris County Community Services Department for financing the development of multifamily properties throughout

Harris County. These proposed projects will add quality affordable housing to area hard hit by Hurricane Harvey (2017).

Developing Affordable Housing Through Non-Traditional Financing

HCHA in partnership with AMCAL Equities, LLC will be developing a 320-unit multiple family development(s) for general occupancy in the West Harris County area. The project will be constructed as a mixed income development, where 51% of the total units will be (affordable) and 49% will be market rate. The development is expected to close and break ground late fall of 2019.

B.3 Progress Report

Progress in Meeting Goals

HCHA's stated goals for the last five years are as follows, with a brief commentary on each goal:

- 1) **Increase the availability of decent, safe and affordable housing:** HCHA made significant strides toward achieving this goal both by increasing its number of VASH vouchers and by developing affordable housing through the use of grants and the federal Low-Income Housing Tax Credit (LIHTC) program.
- 2) **Expand the supply of supportive housing:** HCHA along with local entities have developed 200 units of supportive housing for individuals with disabilities [Villas at Eastwood (Fenix Estates)]. HCHA's estimated completion date is scheduled for the late Spring/early Summer 2019.
- 3) **Improve the quality of supportive housing:** *See response above.*
- 4) **Increase supportive housing choices:** HCHA has been diligent on the goal of increasing supportive housing choices.
- 5) **Improve the quality of life and economic vitality:** HCHA did make significant strides towards improving the quality of life of its residents at its LIHTC and other developments. Specifically, HCHA developed the following quality developments during the preceding five years:
 - a. **Cypresswood Estates**
 - b. **Sierra Meadows**
 - c. **Westlock**
- 6) **Provide an improved living environment:** Through both its Housing Quality Standards for HCV and the above listed new developments, HCHA has made significant strides towards providing an improved living environment for its residents.
- 7) **Promote self-sufficiency and asset development of families:** HCHA will continue to seek funding to re-launch its Family Self-Sufficiency program. If HCHA receives the requested funding, promoting economic self-sufficiency will become a significant goal for all its non-senior, not disabled families. HCHA will also seek funding to develop a move-to-work program that will promote families to become self-sufficient.

B.4 Violence Against Women Act (VAWA) Goals

Goals, Activities Objectives

The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.

Notification to Public

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

HCHA's Policy: The PHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

- ✓ A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking. (Form HUD-5380)
- ✓ A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation.
- ✓ A copy of the PHA's emergency transfer plan.
- ✓ A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383.
- ✓ The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).
- ✓ 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 applicants and participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

HCHA's Policy: The HCHA will provide all applicants with information about VAWA at the time they request an application for housing assistance, and as part of the written briefing packet. The PHA will also include information about VAWA in all notices of denial of assistance.

The PHA will provide all participants with information about VAWA at the time of admission and at annual reexamination. The PHA will also include information about VAWA in notices of termination of assistance. The PHA is not limited to providing VAWA information at the times specified in the above policy. If the PHA 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 the PHA make alternative delivery arrangements that will not put the victim at risk.

HCHA's 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.

Notification to Owners and Managers

While PHAs are no longer required by regulation to notify owners and managers participating in the HCV program of their rights and obligations under VAWA, the PHA may still choose to inform them.

HCHA's Policy: The PHA will provide owners and managers with information about their rights and obligations under VAWA when they begin their participation in the program and at least annually thereafter. The VAWA information provided to owners will consist of a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, and Stalking and Alternate Documentation.

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, sexual assault, 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. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the PHA'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-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim.
- (2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record.
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; 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.

The PHA 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].

HCHA's 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.

The PHA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, the PHA 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 the PHA will be in writing. Once the victim provides documentation, the PHA will acknowledge receipt of the documentation within 10 business days.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where the PHA 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, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to the PHA. Individuals have 30 calendar days to return third-party verification to the PHA. If the PHA does not receive third-party documentation, and the PHA will deny or terminate assistance as a result, the PHA must hold separate hearings for the tenants [Notice PIH 2017-08].

The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

HCHA's Policy

If presented with conflicting certification documents from members of the same household, the PHA 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(e) and by following any HUD guidance on how such determinations should be made.

When requesting third-party documents, the PHA 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 the PHA does not receive third-party documentation within the required timeframe (and any extensions) the PHA 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, the PHA will hold separate hearings for the applicants or tenants.

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

The PHA 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.

HCHA's Policy: If the PHA accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault or stalking, the PHA will document acceptance of the statement or evidence in the individual's VAWA records.

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

In order to deny relief for protection under VAWA, a PHA must 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 the PHA may allow, the PHA may deny relief for protection under VAWA.

CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

All information provided to the PHA regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (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.

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

OWNER NOTIFICATION OF RIGHTS AND OBLIGATIONS NOTIFICATION OF YOUR RIGHTS AND OBLIGATIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV) and PBV applicants, tenants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault and stalking.

Purpose - Many of VAWA's protections to victims of domestic violence, dating violence, sexual assault and stalking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called "Notice") is to explain your rights and obligations under VAWA, as an owner of housing assisted through [HCHA HCV program. Each component of this Notice also provides citations to HUD's applicable regulations.

Denial of Tenancy - *Protections for applicants:* Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, or stalking. However,

the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

Eviction - Protections for HCV participants: Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, or stalking, conducted by a member of a tenant's household or any guest or other person under the tenant's control, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

Limitations of VAWA protections:

a. Nothing in the VAWA Final Rule limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):

- 1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- 2) The distribution or possession of property among members of a household in a case.

b. Nothing in the VAWA Final Rule limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, or stalking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, or stalking, as long as the owner does not subject the victim to more demanding standards than other tenants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

c. Nothing in the VAWA Final Rule limits an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the HCV property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)

- i. In this context, words, gestures, actions, or other indicators will be considered an "actual and imminent threat" if they meet the following standards: An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. (See 24 CFR 5.2003.)
- ii. Any eviction due to "actual and imminent threat" should be utilized by an owner only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes but must be tailored to particularized concerns about individual residents. (See 24 CFR 5.2005(d)(4).)

Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If an applicant or tenant requests VAWA protection based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, the owner has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. However, nothing in HUD's regulation requires a covered housing provider to request this documentation. (See 24 CFR 5.2007(b)(3).)

If the owner chooses to request this documentation, the owner must make such request in writing. The individual may satisfy this request by providing any one document type listed under 24 CFR 5.2007(b)(1):

- a. Form HUD-55383 (Self-Certification Form); or
- b. A document: 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; 2) Signed by the applicant or tenant; and 3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or

- c. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- d. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

The owner must accept any of the above items (a – c). The owner has discretion to accept a statement or other evidence (d).

The owner is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, or stalking, unless the submitted documentation contains conflicting information.

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.2007(a)(2)). The owner may extend this time period at its discretion. During the 14-business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

- a. Deny admission by the applicant or tenant to the housing or program;
- b. Deny assistance under the covered housing program to the applicant or tenant;
- c. Terminate the participation of the tenant in the covered housing program; or
- d. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

Moves- A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

Lease Bifurcation - Owners may choose to bifurcate a lease or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. (See 24 CFR 5.2009(a).) If an owner chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be affected in accordance with the procedures prescribed by federal, state, or local law for termination of leases. To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

Evictions Due to "Actual and Imminent Threat" or Violations Not Premised on Abuse

The VAWA Final Rule generally prohibits eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, the VAWA Final Rule does not prohibit an owner from evicting a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. Nor does the VAWA Final Rule prohibit an owner from evicting a tenant if the owner can demonstrate an actual and imminent

threat to other tenants or those employed at or providing services to property of the owner would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 24 CFR 5.2005(d)(2) and (3).)

In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The length of time before the potential harm would occur.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence by the covered housing provider. (See 24 CFR 5.2007(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim).

The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

- a. Requested or consented to in writing by the individual (victim) in a time-limited release;
- b. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- c. Otherwise required by applicable law.

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.

Service Providers

Harris County Housing Authority has extensive relationships with local service providers. Harris County Housing Authority staff is available to provide referrals to shelters, counselors, and advocates. These resources are also provided in Harris County Housing Authority's Annual and 5-Year Plan, Administrative Plan, VAWA Notice of Occupancy Rights, and Emergency Transfer Plan. A list of local service providers is attached to this Notice.

- Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).
- Tenants who have been victims of sexual assault may call the Rape, Abuse, and Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE or visit the online hotline at: <https://ohl.rainn.org/online/>.
- Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at: <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

- **Local Organizations Offering Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking:**
 - **Aid to Victims of Domestic Abuse (AVDA)** (English/Spanish)
713.224.9911 <http://avda-tx.org>

- **Asians Against Domestic Abuse (AADA)**
(English/Arabic/Bengali/Gujarati/Hindi/Korean/Chinese/Filipino/Vietnamese/Urdu)
713.339.8300 <http://www.aadainc.org>

- **Bay Area Turning Point, Inc. Crisis Intervention Center** (Webster, TX)
281.286.2525
<http://www.bayareaturningpoint.org>

- **The Bridge Over Troubled Waters** (Pasadena) (English/Spanish)
713.473.2801
<http://www.thebridgeovertroubledwaters.org>

- **Family Time Crisis and Counseling Center** (Humble, TX)
24-Hour Crisis Helpline & Emergency Shelter 281.446.2615
<http://www.familytimeccc.org>

- **Focusing Families** (Hempstead, TX/Waller County, NW Harris) (English/Spanish)
Crisis: 979.826.0000 Toll Free:
+1.877.237.2339 Brenham Office:
979.251.8808
<http://www.focusing-families.org>

- **Fort Bend County Women's Center** (English/Spanish)
281.342.4357
<http://fortbendwomenscenter.org>

- **Houston Area Women's Center** (English/Spanish)
Domestic Violence Hotline: 713.528.2121 Toll Free +1.800.256.0551 Sexual
Assault Hotline: 713.528.7273 <http://www.hawc.org>.

- **Montgomery County Women's Center** (English/Spanish)
Counseling: 936.441.4044
Crisis Hotline: 936.441.7273 Toll Free: +1.800.735.2989
<http://www.mcwcthewoodlands.org>

- **Montrose Counseling Center** (English/Spanish)
24-Hour Crisis Line / Gay & Lesbian Switchboard Houston: 713.529.3211
Office: 713.529.0037
http://www.montrosecounselingcenter.org/2010/?page_id=100

- **New Horizon Family Center** (Baytown, TX) (Provides services to Liberty County)
24 Hour Crisis Hotline: 281.424.3300
<http://www.newhorizonfamilycenter.com/>

- **Northwest Assistance Ministries** – Family Violence Center (FVC) (English/Spanish)
281.885.4673 <http://www.namonline.org>
- **SAAFE House** (Huntsville, TX/Walker County/San Jacinto County) (English/Spanish)
24 Hour Crisis Lines: 936.291.3369 936.327.2513
<http://www.saafehouse.org/>
- **Forensic Nurse Examiners/Sexual Assault Nurse Examiners (SANEs)**
Forensic Nurse Examiners available at Memorial Hermann Hospitals
<http://www.memorialhermann.org/services-specialties/forensic-nurse-response-team/>

Law Enforcement

- **Lone Star College System Police Department**
To report a crime at any of our locations, call the Campus Police Emergency line: 5911 Off-Campus: 911 operator: 911 <http://www.lonestar.edu/campus-police.htm>
- **Harris County Constable Precinct 4**
Victim Assistance: 281.401.6250
http://www.cd4.hctx.net/domestic_violence.php
- **Harris County Sheriff's Office**
Domestic Violence and Sexual Assault Unit: 713.967.5743 Victim Assistance: 713.967.5800
http://www.hcso.hctx.net/inmate_victim_assistanceunit.aspx
- **Houston Police Department**
Family Violence Unit: 713.308.1100
<http://www.houstontx.gov/police/fvu/index.htm> Victim Assistance: 713.308.0080
www.houstontx.gov/police/vsu/
- **Montgomery County Sheriff's Office**
Victim Assistance: 936.538.7705 <http://www.mocosheriff.com/>
- **Liberty County Sheriff's Office**
936.336.4500 <http://www.libertytxsheriff.com/>
- **Fort Bend County Sheriff's Office**
Special Crimes: 281.341.4695 Crime Victim Liaison: 281.341.4638
<http://www.co.fort-bend.tx.us/getsitepage.asp?sitepage=3219>
- **San Jacinto County Sheriff's Office**
936.653.4367
http://www.co.san-jacinto.tx.us/default.aspx?San-Jacinto_County/Sheriff
- **Waller County Sheriff's Office**
979.826.8282 <http://www.wallercountytexassheriff.org/>
- **Walker County Sheriff's Office**
Victim Assistance: 936.435.2400
<http://www.co.walker.tx.us/department/?fDD=16-0>

Legal Assistance

- **Lone Star Legal Aid**
+1.800.733.8394 713.652.0077 <http://www.lonestarlegal.org/>
- **Houston Volunteer Lawyers**
713.228.0732 <http://www.hvlp.org/home/default.aspx>
- **University of Houston Law Center**
713.743.2094
<http://www.law.uh.edu/clinic/>
- **Harris County District Attorney's Office**
Family Criminal Law Division: 713.755.5888
<http://app.dao.hctx.net/>
- **Montgomery County District Attorney's Office**
936.539.7800 <http://www.mctxdao.org/>
- **Liberty County District Attorney's Office**
Victim Assistance Coordinator: 936.336.4609
http://www.co.liberty.tx.us/default.aspx?Liberty_County/District.Attorney
- **Fort Bend County District Attorney's Office**
Victim Assistance Coordinator: 281.341.4459
<http://www.co.fort-bend.tx.us/getSitePage.asp?sitePage=20897>
- **San Jacinto County District Attorney's Office**
936.653.2601
http://www.co.san-jacinto.tx.us/default.aspx?San-Jacinto_County/District.Attorney
- **Waller County District Attorney's Office**
979.826.7718
http://www.co.waller.tx.us/default.aspx?Waller_County/District.Attorney
- **Walker County District Attorney's Office**
Victim Assistance Coordinator: 936.435.2441
<http://www.co.walker.tx.us/department/division.php?fDD=8-67>

State and National Resources

- **United Way of Greater Houston**
211 (Texas/United Way Helpline)
<http://www.unitedwayhouston.org>
- **Texas Association Against Sexual Assault (TAASA)**
512.474.7190 <http://www.taasa.org/>
- **Texas Council on Family Violence (TCFV)**
512.794.1133 <http://www.tcfv.org/>
- **National Domestic Violence Hotlines**
+1.800. 799.SAFE (7233)

+1.800.787.3224 (TTY)
<http://www.thehotline.org/>

- **Rape, Abuse, and Incest National Network (RAINN)**
+1.800. 656.HOPE (4673) <http://www.rainn.org/>
- **National Dating Abuse Helpline** (Call center based in Austin, TX)
+1.866.331.9474 +1.866.331.8453 (TTY) <http://www.loveisresect.org/>
- **National Center for Victims of Crime, Stalking Resource Center**
202.467.8700 <http://www.ncvc.org/src>
- **The National Center for Victims of Crime**
202.467.8700 <http://www.ncvc.org>
- **U.S. Department of Health & Human Services (free mobile applications)**
> Circle of 6 > On Watch
www.hhs.gov/open/initiatives/challenges/againstabuse.html

B. 5 Significant Amendment or Modification.

Significant Amendment or Modification

HCHA defines “substantial deviation” or “significant amendments or modification” as changes in the PHA Plan that change the mission or goals of HCHA, and which require formal board approval. Local preferences benefitting homeless, formerly homeless or households at or below 30% area median income (AMI) do not constitute a significant amendment or substantial deviation or modification.

B.6 Resident Advisory Board (RAB) Comments.

Did the RAB(s) provide comments to the PHA Plan?

HCHA conducted a Resident Advisory Board (RAB) meeting on November 2, 2019. The purpose of the meeting was for the RAB participants to assist HCHA in developing the Annual PHA and 5-Year Plan. There were no Comments to add.

B.7 Certification by State or Local Officials.

Form 50077-SL

(See Attachment)