

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011
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1.0	PHA Information	PHA Name: <u>DuPage Housing Authority</u> PHA Code: <u>IL-101</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2009</u>			
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above)	Number of PH units: _____ Number of HCV units: <u>2572</u>			
3.0	Submission Type	<input checked="" type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only			
4.0	PHA Consortia	<input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)			
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program
	PHA 1:				PH HCV
	PHA 2:				
	PHA 3:				
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.				
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: <i>To serve and empower people of DuPage county needing assistance in: Obtaining decent, safe, sanitary and affordable housing in DuPage County and achieving economic self-sufficiency, through a proactive administration of public programs, public private funds and cooperation with other public and private agencies dedicated to the improvement of housing and human development.</i>				
5.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. <u>Affordable Housing Direction Major Initiatives</u> 1. <i>Develop a program/preference which will utilize our vouchers to preserve housing for those facing foreclosure.</i> 2. <i>Renew the State Rental Housing assistance dollars for the very low income of DuPage County.</i> 3. <i>Develop/preserve affordable senior housing by continuing with the early traditions of the DHA by working in the area of Veterans housing.</i> 4. <i>Senior and/or individual initiative with emphasis on physical limitations.</i> 5. <i>Participate in the Neighborhood Stabilization Program in DuPage County</i> 6. <i>Continue to participate in opt outs or HUD troubled property for purposes of mixed income demonstration and/or preserving affordable housing, (i.e. Ogden Manor).</i> 7. <i>Through co-operative efforts with local/government develop housing for rehab and make available as affordable housing.</i> <u>Affordable Housing Communications</u> 1. <i>Continue to maintain dialogue with municipalities to become a partner or advisor with respect to affordable housing.</i> 2. <i>Use the Ogden and Myers "Model's" as a basis for development in other communities planning process.</i> 3. <i>Continue the Outreach through our website.</i> <u>Housing Authority Outside Regulation</u> 1. <i>Clean opinion on 6/30/09 audit.</i> 2. <i>High performing SEMAP PHA.</i> <u>Housing Authority Operations</u> 1. <i>Maintain maximum utilization of HCV funding.</i> 2. <i>Open up waiting list through project based disabilities/preferences.</i>				

6.0	<p>PHA Plan Update</p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: <i>Section 3/HCV Homeownership - The program has temporarily been suspended due to the difficulty in clients obtaining financing. It is hoped that this will change soon.</i></p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions. <i>Main office of the DuPage Housing Authority (711 E. Roosevelt Road, Wheaton, IL) and the HUD website.</i></p> <p>PHA Plan Elements</p> <p>1) <i>During the next year, the DHA will be accepting applications to the general waiting list for the first time since 2002. The procedures for doing this are under development and will be acted on by the DHA Board at a later date. Also the selection process is being developed into a point based system.</i></p> <p>2) <i>The primary source of funding for the HCV program is HAP from HUD. The DHA also receives subsidy funding under the RHS program from the state of Illinois.</i></p> <p>3) <i>Payment standards are set at 110% of the most recent FMR, or at the previously approved 120% exception rents, which ever is higher.</i></p> <p>4) <i>The HCV program is administered under the approved Administrative Plan for the DHA. The Authority is also operated under Board approved policies, including but not limited to By-Laws, Ethics, Personnel, Financial Policies, and Purchasing, the rules and regulations of the HUD, and the laws of the State of Illinois. Property owned by the Authority conforms to the rules and regulations of the appropriate oversight body.</i></p> <p>5) <i>Terminated HCV program participants may be eligible for an informal hearing. The DHA Administrative Plan details the procedures.</i></p> <p>6) <i>The DHA has no public housing developments.</i></p> <p>7) <i>The DHA continues to administer a Family Self-Sufficiency program for HCV clients.</i></p> <p>8) <i>Not applicable.</i></p> <p>9) <i>Not applicable.</i></p> <p>10) <i>The DHA annually has reviews performed both internally and by outsiders including fair housing organization, legal counsel, and outside auditors, to insure that it is in compliance and performing outreach on fair housing matters. In fact, it has brought litigation against a local community on discrimination charges.</i></p> <p>11) <i>The most recent audit of the DHA is available for inspection at its offices.</i></p> <p>12) <i>Not applicable.</i></p> <p>13) <i>The DHA has previously taken action both in the form of internal Staff policy directives, modification to the Administrative Plan, and formal Board review and adoption of the attached Violence Against Women's Act Policy and Procedures Addendum. In addition the DHA has made outreach efforts and coordinated potential referrals as necessary with DuPage County, Family Shelter Services, Metropolitan Family Services and Prairie State Legal Services.</i></p>
7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i></p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p>
8.3	<p>Capital Fund Financing Program (CFFP). <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p>
9.0	<p>Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <p><i>There is a continued need for affordable housing across all levels of the income spectrum and of all sizes, although there always seems to be a more pressing demand for larger (three bedroom and larger) units. Especially needed is subsidized housing in the county of DuPage. The poverty rate is approaching 5%, or more than 45,000 folks. Those eligible for the HCV program are double that number. Currently, there are 3000 Vouchers in use (above the budgeted amount due to portability) and about the same number of project based units. Following the current breakdown of the current HCV program, it is estimated that 27 % of those in need are disabled, 23% elderly, and 50% family. While there are many available units in DuPage County, two issues are of concern. First is the great need for more rental subsidy of any sort. When the DHA opens its waiting list, thousands are expected to apply. The second issue deals with want versus need. The DHA hears all the time about people who need housing, but in reality they want something very specific – often units that exceed affordable standards or located in a certain area.</i></p>
9.1	<p>Strategy for Addressing Housing Needs. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan. <i>The DHA intends to continue its efforts to secure additional Vouchers as well as develop affordable housing for seniors, veterans, and those with disabilities. It also will be involved with the Neighborhood Stabilization Program and the homeownership opportunities that are created through that effort.</i></p>

10.0	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan. <i>The DHA continues on its mission to afford more residents of DuPage County the opportunity to live in decent, safe, and sanitary affordable housing. Over the last five years, the Authority has been involved in the creation or preservation of over 200 units of affordable housing. It has also applied for additional Vouchers and secured additional subsidy through the state RHS program.</i></p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" <i>The definition of significant amendment used by the DHA is one, which involves a change in current policy that is approved by the Board of Commissioners. Substantial Deviation is interpreted to mean a change of enough magnitude to material effect the outcome from the original direction of the program or policy.</i></p>
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11.0	<p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p>
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Five Year and Annual PHA Plan for Fiscal Year: 2009

DuPage Housing Authority (PHA IL-101)

DHA 2009 Annual Plan Supplemental Statement

Compliance Illinois State Law-Carbon Monoxide Detectors (Pub. Act. 094-0741)

All DHA participating Landlords were notified via a mailing in October of 2006 that would become effective and enforced by the DHA as of January 1, 2007. New landlords are also made aware of the Illinois carbon monoxide detector requirements.

All DHA Inspector materials were updated beginning and implemented effective January 1, 2007, Inspections have been and are being done in accordance with Illinois State law. Inspector Field sheets list failure to meet the requirements of Pub. Act 094-0741 as a 24-hour violation.

Finally, it should be noted that the current DHA Administrative Plan as it exists has continued to adopted the policy standard of the “stricter of HQS or local building codes” in enforcing HQS compliance and accordingly, the carbon monoxide provisions were and would have been self incorporating into the DHA Administrative Plan, upon enactment and the January 1, 2007 Effective Date.

Five Year and Annual PHA Plan for Fiscal Year: 2009
DuPage Housing Authority (PHA IL-101)

**Violence Against Women Act (VAWA) Statement and Supplemental Supporting Documents
Available For Review**

The DuPage Housing Authority (DHA) operates a Section 8 Housing Choice Voucher Program. The goals, objectives, policies, or programs have been revised to enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. The DHA has previously taken action both in the form of internal Staff policy directives and formal Board review and adoption of the attached Violence Against Women's Act Policy and Procedures Addendum: *(See, Part I Below; Addendum as uploaded and copied below and available for review at the DHA Administrative Office)*

In addition the DHA has made outreach efforts and coordinated potential referrals as necessary with DuPage County Metropolitan Family Services and Prairie State Legal Services) *(See, Part II and Part III below; "DHA VAWA Policy-Postings 2006-2007" as uploaded and copied below and available for review at the DHA Administrative Office)*

DHA ANNUAL PLAN 2009 VAWA STATEMENT (Part I)

February 23, 2007 Board of Commissioners Meeting
Action Item-Adopted VAWA 2/2007

DHA ADMINISTRATIVE POLICY ADDENDUM

Compliance with the Violence Against Women Act (VAWA)

(Updated/Rev. 01.13.07) (PIH 2006-42; PIH 2006-23)

INTERIM POLICIES AND PROCEDURES:

(Pending Final and Additional HUD Technical Advice and Regulations)

On January 5, 2006, President Bush signed into law domestic violence legislation known as the " Violence Against Women and Department of Justice Reauthorization Act of 2005" (the "Act"). (P.L.109-162). The Violence Against Women and Justice Department Reauthorization Act of 2005, (VAWA, protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

Pending further additional and/or final HUD technical advice and regulatory authority regarding the implementation of VAWA in an HCV only program, all related and relevant provisions of the currently adopted DHA Administrative Plan shall be operated in accordance with the following provisions:

1. Evidence and/or certification (as provided below under (10), (11) and (12) that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

2. Subject to certain limitations provided below, an incident or incidents of actual or threatened domestic violence, dating violence, or stalking cannot be construed as a serious or repeated violation of the lease “by the victim or threatened victim of that violence and will not “be good” cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence”.
3. Criminal activity directly relating to domestic violence, dating violence or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of assistance, tenancy, or occupancy rights, if the tenant or immediate member of the tenant’s family is a victim of domestic violence, or stalking.
4. A landlord/owner may bifurcate a lease in order to evict, remove or 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 evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.
5. In applying the provisions of VAWA, the DHA and landlord/owners, retain the right, when properly notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution of possession of property among the household members in cases where a non-authorized family member enters an assisted unit in contradiction to the legal authority above.
6. A landlord/owner retains the right to evict, and DHA retains the right to terminate assistance, on behalf of the tenant for any violation of a lease *not promised on act or acts of violence in question* against the tenant or a member of the tenant’s household, provided that the landlord /owner subjecting an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate assistance.
7. A landlord /owner retains the right to evict, and DHA retains the right to terminate assistance on behalf of a tenant if it can be demonstrated that there is an actual and imminent threat to the other tenants or those employed at the property or providing services to the property if the tenant’s tenancy or assistance is not terminated.
8. Nothing in the Act shall be construed by the neither DHA nor participating landlord/owners to supersede any provision of an Federal, State, or local law that provides greater protections to victims of domestic violence, dating violence or stalking than contained in the Act.
9. An HCV participating family may receive a voucher from the DHA and move to another jurisdiction under the tenant based assistance program under the following conditions:
 - (1) The family has complied with all other obligation of the HCV program;
 - (2) The family has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and;
 - (3) The family reasonably believed he or she was imminently threatened by harm from further violence by having remained in the assisted dwelling unit.
10. In complying with the provisions above, a landlord/owner and the DHA may request that an individual certify via the HUD approved certification Form HUD form 50066, that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the Act such as indicated on form 50066. Such certification shall include the name of the perpetrator. Upon the request the individual shall provide the certification within 14 business days after the receipt of the certification.
11. If the individual fails to provide the Certification discussed in paragraph 10 above within 14 business days of a request, the Landlord/owner or DHA may terminate the assistance for any tenant or lawful occupant that commits a violation of the lease. The landlord/owner or DHA may extend the 14-day deadline at their discretion.
12. In lieu of, or in addition to completion of the HUD Form 50066 form a participant/applicant may satisfy the verification requirements discussed above in paragraph 10 by:
 - (1) Providing the requesting Lanlord/owner, or DHA with documentation signed by an employee, agent, or volunteer of victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation; or

(2) Producing a Federal, State, tribal, territorial or local police or court record.

13. All information provided to a landlord/owner or the DHA relating to the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence, except to the extent that disclosure is: (1) requested or consented to by the individual in writing; (2) required for use in an eviction proceeding; or (3) otherwise required by applicable law.
14. It is the policy of the DHA that requests by HCV participants for emergency transfers that are the result of domestic violence, dating violence, or stalking will only be approved if they are accompanied by documentation substantiating the domestic violence, dating violence or stalking will only be approved if they are accompanied by documentation substantiating the domestic violence, dating violence or stalking.

DHA ADMIN PLAN POLICY ADDENDUM
Adopted BOC 2/23/2007

DHA ANNUAL PLAN 2009 VAWA STATEMENT (Part II)

JANUARY, 2007

TO THE ATTENTION OF:

All DHA Participating Housing Choice Voucher (HCV) Holders,
Applicants, and Participating Landlords/Owners.

SUBJECT: Compliance with the Violence Against Women Act (VAWA)
(Updated/Rev. 01.13.07) (PIH 2006-42; PIH 2006-23)

On January 5, 2006, President Bush signed into law domestic violation legislation known as the “ Violence against Women and Department of Justice Reauthorization Act of 2005” (the “Act”). (P.L.109-162). In general, the Violence Against Women and Justice Department Reauthorization Act of 2005, VAWA, protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

In general, subject to certain limitations and DHA and/or Landlord Certification, the protections afforded under VAWA provide as follows:

- Applicants can't be denied rental assistance solely because they were previously evicted from an assisted site for being victims of domestic violence;
- Applicants can't be denied (nor tenants terminated from further housing assistance) solely for criminal activity that was directly related to domestic violence;
- Tenants/residents can't be evicted solely because they were victims of domestic violence; being a victim of domestic violence does not qualify as a “serious or repeated violation of the lease” or “other good cause” for eviction.

Detailed information regarding the Act is accessible at the following Website addresses: <http://www.gpoaccess.gov/plaws/index.html> and <http://thomas.loc.gov/bss/d1099/d109laws.html> by searching Public Law 109-162 to access the text of the final law.

For local resource-referral information regarding domestic violence, applicants, tenants and landlords can contact Family Shelter Services at 630.469.5650 or Prairie State Legal Services at 630.690.2130.

DHA ANNUAL PLAN 2009 VAWA STATEMENT (Part III)

- Landlord -Tenants (Notice)
- DHA Briefing packet information notice

JANUARY, 2007

TO THE ATTENTION OF:

All DHA Participating Housing Choice Voucher (HCV) Holders, Applicants, and Participating Landlords/Owners.

SUBJECT: Compliance with the Violence Against Women Act (VAWA)
(Updated/Rev. 01.13.07) (PIH 2006-42; PIH 2006-23)

On January 5, 2006, President Bush signed into law domestic violation legislation known as the “ Violence against Women and Department of Justice Reauthorization Act of 2005” (the “Act”). (P.L.109-162). In general, the Violence Against Women and Justice Department Reauthorization Act of 2005, VAWA, protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

The provisions of the Act as they relate the DHA’s HCV Program and to all HCV (Section 8) Holders, Applicants and Landlord/Owners are as follows:

Protections, Limitations and Compliance with the Violence Against Women Act (VAWA)
(Updated/Rev. 01.13.07) (PIH 2006-42; PIH 2006-23)

On January 5, 2006, President Bush signed into law domestic violation legislation known as the “ Violence against Women and Department of Justice Reauthorization Act of 2005” (the “Act”). (P.L.109-162). In general, the Violence Against Women and Justice Department Reauthorization Act of 2005, VAWA, protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

The provisions of the Act as they relate the DHA’s HCV Program and to all HCV (Section 8) Holders, Applicants and Landlord/Owners are as follows:

Evidence and/or certification (as provided below under (10), (11) and (12) that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

Subject to certain limitations provided below, an incident or incidents of actual or threatened domestic violence, dating violence, or stalking cannot be construed as a serious or repeated violation of the lease "by the victim or threatened victim of that violence and will not "be good" cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence".

Criminal activity directly relating to domestic violence, dating violence or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of domestic violence, or stalking.

A landlord/owner may bifurcate a lease in order to evict, remove or 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 evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

In applying the provisions of VAWA, the DHA and landlord/owners, retain the right, when properly notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution of possession of property among the household members in cases where a non-authorized family member enters an assisted unit in contradiction to the legal authority above.

A landlord/owner retains the right to evict, and DHA retains the right to terminate assistance, on behalf of the tenant for any violation of a lease *not promised on act or acts of violence in question* against the tenant or a member of the tenant's household, provided that the landlord /owner subjecting an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate assistance.

A landlord /owner retains the right to evict, and DHA retains the right to terminate assistance on behalf of a tenant if it can be demonstrated that there is an actual and imminent threat to the other tenants or those employed at the property or providing services to the property if the tenant's tenancy or assistance is not terminated.

Nothing in the Act shall be construed by the DHA nor a participating landlord/owners to supersede any provision of an Federal, State, or local law that provides greater protections to victims of domestic violence, dating violence or stalking than contained in the Act.

An HCV participating family may receive a voucher from the DHA and move to another jurisdiction under the tenant based assistance program under the following conditions:

- The family has complied with all other obligation of the HCV program;
- The family has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and;
- The family reasonably believed he or she was imminently threatened by harm from further violence by having remained in the assisted dwelling unit.

In complying with the provisions above, a landlord/owner and the DHA may request that an individual certify via the HUD approved certification Form HUD form 50066, that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the Act such as indicated on form 50066. Such certification shall include the name of the perpetrator. Upon the request the individual shall provide the certification within 14 business days after the receipt of the certification.

If the individual fails to provide the Certification discussed in paragraph 10 above within 14 business days of a request, the Landlord/owner or DHA may terminate the assistance for any tenant or lawful occupant that commits a violation of the lease. The landlord/owner or DHA may extend the 14-day deadline at their discretion.

In lieu of, or in addition to completion of the HUD Form 50066 form a participant/applicant may satisfy the verification requirements discussed above in paragraph 10 by:

- (1) Providing the requesting Lanlord/owner, or DHA with documentation signed by an employee, agent, or volunteer of victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation; or
- (2) Producing a Federal, State, tribal, territorial or local police or court record.

All information provided to a landlord/owner or the DHA relating to the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence, except to the extent that disclosure is: (1) requested or consented to by the individual in writing; (2) required for use in an eviction proceeding; or (3) otherwise required by applicable law.

It is the policy of the DHA that requests by HCV participants for emergency transfers that are the result of domestic violence, dating violence, or stalking will only be approved if they are accompanied by documentation substantiating the domestic violence, dating violence or stalking will only be approved if they are accompanied by documentation substantiating the domestic violence, dating violence or stalking.

Additional VAWA information and updated HUD guidance will continue to be posted on the DHA website at www.dupagehousing.org, and www.hud.gov. Detailed information regarding the Act is accessible at the following Website addresses: <http://www.gpoaccess.gov/plaws/index.html> and <http://thomas.loc.gov/bss/d1099/d109laws.html> by searching Public Law 109-162 to access the text of the final law.

Internal Office June, 2006

NOTICE

ATTENTION ALL LANDLORDS, TENANTS AND APPLICANTS
COMPLYING WITH THE VIOLENCE AGAINST WOMEN ACT

The Violence Against Women Act (VAWA) Public L. 109-162, as amended in 2006, addresses the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking. The 2006 provisions of VAWA are intended to protect victims domestic violence, dating violence, sexual assault, and stalking limit the right to of a public housing authority (PHA) and landlord-owners to terminate the tenancy or program assistance of a victim of domestic violence, dating violence, or stalking.

VAWA prohibits both the DHA and participating landlord-owners from considering actual or threatened domestic violence, dating violence, or stalking as 1) serious repeated violation of the lease by the victim; (2) other good cause for terminating the tenancy or occupancy rights of the victim; or (3) as criminal activity resulting in termination of tenancy or program assistance to the victim. If the perpetrator of domestic violence, dating violence, or stalking is a member of the victim's household, the DHA has the authority to require the perpetrator to leave the household as a condition of providing continued assistance to the remaining family members.

The protections against termination under the provisions of VAWA are not absolute and certain restrictions and certifications are and may be required.

Please contact your Certification Specialist or other DHA staff with any questions regarding the protections afforded by VAWA pending final HUD guidance on implementation of the new VAWA provisions.