

EXAMPLE

Notice to Applicants and Residents of Housing Programs Covered by the Violence Against Women Act (VAWA)

To applicants and residents:

A federal law was reauthorized on March 7, 2013 and provided new housing protections for individuals who are victims of domestic violence, dating violence, sexual assault or stalking. The name of the law is the Violence Against Women Act, or "VAWA." This notice is being provided to you because you are an applicant or resident of a program covered under VAWA and you have (a) been admitted to housing under one of the covered programs; (b) been denied residency in housing under one of the covered programs; (c) been notified of eviction or termination of assistance from housing covered by VAWA; or (d) requested an emergency transfer due to your belief that you are at risk of further violence or have been sexually assaulted on the premises within the last 90 days.

Programs covered under VAWA include:

- Public housing;
- Section 8 Housing Choice Voucher program;
- Section 8 Project-based housing;
- Section 202 housing for the elderly;
- Section 811 housing for people with disabilities;
- Section 236 multifamily rental housing;
- Section 221(d)(3) Below Market Interest Rate (BMIR) housing;
- HOME program;
- Housing Opportunities for People with Aids (HOPWA);
- McKinney-Vento Act Programs;
- Rural Development (RD) multifamily housing programs; and
- Low-Income Housing Tax Credit (LIHTC) program.

Along with this notice, VAWA requires owners and landlords of the above housing programs to provide a form on which you can certify that you are a victim of domestic violence, dating violence, sexual assault or stalking. This notice further explains your rights under VAWA.

Protections for Victims

If you are eligible for any of the housing programs listed above, a housing provider cannot refuse to admit you or rent to you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault or stalking that are caused by a member of your household or a guest cannot be the reason for evicting you or terminating assistance if you were a victim of the abuse.

Reasons You Can Be Evicted

A housing provider can still evict you if it can show there is an actual and imminent (immediate) threat to other tenants, housing authority staff or employees on the property if you are not evicted. Also, the housing provider may evict you for serious or repeated lease violations that are not related to the

domestic violence, dating violence, sexual assault or stalking against you. The housing provider cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

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

In addition, any tenant remaining in the unit has the opportunity to establish eligibility for the applicable housing program. If no tenant can establish eligibility, then the housing provider must give the tenant reasonable time to find new housing or to establish eligibility under another program covered by VAWA.

Moving to Protect Your Safety and Emergency Transfers

If you have a Section 8 voucher, the housing authority may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The housing authority may require that you be current on your rent or other obligations under the Section 8 program. The housing authority may ask you to provide proof that you are moving due to incidents of abuse.

In addition, you can request an emergency transfer from your housing provider if you believe that you will face imminent harm from further violence by remaining in the unit or you are a victim of sexual assault and the assault occurred on the property within 90 days of the transfer request.

Proving that You are a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The housing provider can ask you in writing to prove or "certify" that you are a victim of domestic violence, dating violence, sexual assault or stalking. The housing provider must request certification in writing and give you at least 14 business days to provide this proof. The housing provider may – but is not required to – extend this deadline. There are three ways that you can prove that you are a victim:

1. Complete the certification form given to you by the housing provider. This form will ask for your name, the name of the perpetrator (if known and safe to provide), and a description of the incident(s).
2. Provide a statement from a victim service provider, attorney, mental health professional or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury;" or

3. Provide a police, administrative or court record that demonstrates that you have experienced domestic violence, dating violence, sexual assault or stalking.

If you fail to provide one of these documents within 14 business days, your landlord may move forward with the eviction process, and a housing authority may move forward with termination of your rental assistance.

Conflicting Proof

If a housing provider receives conflicting information regarding the incident(s) of domestic violence, dating violence, sexual assault or stalking, then you may be required to provide any above-mentioned documentation from a third-party, such as a statement from a victim service provider or medical professional.

Confidentiality

The housing provider must keep confidential any information you submit about the violence against you, unless:

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

The housing provider can only disclose information about the violence in the above instances and you must be informed of any and all disclosures. You should inform the housing provider if your safety will be placed at risk if the housing provider discloses the information about the violence against you.

VAWA and Other Laws

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

For Additional Information

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

Definitions

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

VAWA defines "domestic violence" as felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
- Any other person who committed a crime against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction.

VAWA defines "dating violence" as violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such relationship is determined based on the following factors:
 - Length of the relationship;
 - Type of relationship; and
 - Frequency of interaction between the persons involved in the relationship.

VAWA defines "sexual assault" as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

VAWA defines "stalking" as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or others; or
- Suffer substantial emotional distress

EXAMPLE

Emergency Transfer Plan Violence Against Women Act (VAWA)

A tenant(s) who is an actual or imminent victim of domestic violence, dating violence, sexual assault, or stalking, shall be permitted to transfer to another available and safe dwelling unit within the property when a transfer is requested by tenant, and

1. tenant reasonably believes that he or she is threatened with imminent harm from further violence if tenant remains within the same dwelling;
2. in the case of a Tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90-day period preceding the request for transfer;
3. if requesting a transfer to a different building in the property, the income of the tenant, on the most recently completed Tenant Income Certification, did not exceed 140% of the maximum qualifying income for a new household of the same size as the tenant's on the date of the completed Tenant Income Certification.

If the income of the tenant exceeds the income reflected in 3 above, tenant will be allowed to terminate the lease in order to move to a safer environment, without the penalties outlined in the lease for early termination of lease. Tenant remains responsible for any damage to the unit beyond normal wear and tear.

Management will not reveal the location of the new dwelling unit to the perpetrator of an actual or imminent act of violence.

EXAMPLE

Violence Against Women Act (VAWA) Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The Violence Against Women Reauthorization Act of 2013 (“VAWA”) protects qualified tenants, participants, and applicants, and affiliated individuals, who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied housing assistance, evicted, or terminated from housing assistance based on acts of such violence against them.

The victim must complete and submit this form within 14 business days of receiving it. If the victim does not complete and return this form by the 14th business day or by an extension of the date provided by management, the victim cannot be assured of receiving VAWA protections.

Confidentiality: Any information submitted to management under the VAWA, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking will be maintained in confidence and may not be entered into any shared database or disclosed to any other entity or individual, except as requested or consented to by the individual in writing, required for use in an eviction proceeding, or otherwise required by law.

To be completed by the victim of Domestic Violence, Dating Violence Sexual Assault or Stalking:

Date Written Request Received by Victim: _____

Name of Victim: _____

Names of Other Family Members Listed on the Lease: _____

Name of the Perpetrator*: _____

***Note:** The victim is required to provide the name of the perpetrator only if the name of the perpetrator is safe to provide, and is known to the victim.

Perpetrator’s Relationship to Victim: _____

**Date(s) the Incident(s) of Domestic Violence, Dating Violence, Sexual Assault, or
Stalking Occurred:** _____

Location of Incident(s): _____
