

Violence Against Women Act Fact Sheet (VAWA)

To All Tenants and Applicants:

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.

This notice explains your rights under VAWA.

Type of housing covered:

Section 8 Housing Choice Voucher Program

VAWA protects anyone who:

- Is a victim of actual or threatened domestic violence, dating violence, sexual assault or stalking, or an “affiliated individual” of the victim (spouse, parent, brother, sister, or child of that victim; or an individual to whom that victim stands in loco parentis; or an individual, tenant or lawful occupant living in the victim’s household) AND
- Is living in, or seeking admission to the Housing Choice Voucher Program.

Who must comply with VAWA:

- Public Housing Authorities, owners and managers participating in the Housing Choice Voucher Program must comply with VAWA.

Denials of admissions, termination of tenancy or assistance:

- Prohibits an applicant or tenant from being denied, terminated, or evicted from housing on the basis that the applicant or tenant is or has been a victim of domestic violence.
- An incident of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease by the victim and will not be good cause for terminating the assistance or tenancy of the victim.
- Prohibits any person from being denied housing solely on the basis of criminal activity, if that activity is directly related to domestic violence by a household member, guest or any person under the tenant’s control, if the tenant or affiliated individual of the tenant is the victim.

Bifurcation:

- PHAs, owners and managers of the covered housing programs to bifurcate (divide) a lease to evict or terminate assistance to any tenant or lawful occupant who engages in

criminal acts of violence against an affiliated individual or other without penalizing other tenants.

- If a PHA, owner or manager evicts, removes or terminates an individual because of criminal acts of violence, and that individual is the only tenant eligible to receive the housing assistance, then any remaining tenant will have the opportunity to establish eligibility for the assistance.
- If no tenant can establish such eligibility, then the PHA, owner or manager must provide the tenant reasonable time to find new housing or establish eligibility under another covered housing program.

Certification:

- VAWA allows PHAs, owners and managers to make a written request to an individual for certification that he or she is a victim of domestic violence.
- An individual may certify via a form approved by HUD. This form must:
 1. State that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault or stalking;
 2. State that the incident that is the grounds for protection meets the requirements under the statute; and
 3. Include the name of the perpetrator, if the name is known and safe to provide.
- Other permissible documents:
 1. One signed by a victim and a mental health professional under penalty of perjury;
 2. An administrative record to document the abuse, or
 3. A federal, state, tribal, territorial, or local law enforcement, court or administrative record.
- After a PHA, owner or manager has requested certification in writing, an applicant or tenant has 14 business days to respond to the request. If an individual does not provide the documentation within the 14 days, a PHA, owner or manager may deny, terminate or evict for good cause.

Portability Moves:

- VAWA gives the victim the right not to be denied a move under portability if they have moved out of their assisted unit in violation of the lease to avoid harm from actual or threatened domestic violence, dating violence or stalking, if requested.

Moves:

There are three explicit protections for an assisted family that includes a member who is or was a victim of domestic violence, dating violence, or stalking and that must move in order to protect the health or safety of that member:

1. The family is given the right to move with continued assistance;
2. Any PHA policies prohibiting moves during the initial term of a lease or limiting moves during any one year period are inapplicable to such a family;

3. Prohibits the PHA from terminating the assistance of such a family for moving out of its unit in violation of the lease, with or without prior notification to the PHA, if the victim “reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit”.

Family Breakup:

- In cases of family breakup due to domestic violence, dating violence or stalking the PHA is encouraged to consider an additional factor when exercising their discretion to determine who should retain assistance: “whether any of the family members are receiving protection as victims of domestic violence, dating violence or stalking and whether the abuser is still in the household”.
- If family breakup results from an occurrence of domestic violence, dating violence or stalking the PHA must ensure the victim retains assistance.

Right to Confidentiality:

Voucher holders have a right to confidentiality if they provide certification of domestic violence, dating violence or stalking. All information or documentation relating to victims must be kept in confidence and any information or documentation will not be entered into any shared databases or disclosed to “any related entity” except under certain specified conditions:

- The victim requests or consents to the disclosure in writing;
- The disclosure is required for use in an eviction proceeding;
- Applicable law otherwise requires the disclosure.

NOTICE OF OCCUPANCY RIGHTS UNDER
THE VIOLENCE AGAINST WOMEN ACT

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Expires 06/30/2017

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

<p>In your own words, briefly describe the incident(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.