

Violence Against Women Act (VAWA) Policy

Section 8 property managers understand that, regardless of whether state or local laws protect victims of domestic violence, people who have been victims of violence have certain rights under federal fair housing regulation. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the owner/agent immediately. The owner/agent is committed to ensuring that the Privacy Act is enforced in this and all other situations.

The owner/agent will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections.

Compliance with Requirements Outlined in the Violence Against Women Act

The Violence Against Women Act was promoted for a noble cause to make the lives of victims of abuse easier and to prevent homelessness. Some key points provided in the Act include:

1) A potential resident who certifies they were the victim of domestic violence would be allowed to be admitted - even with poor credit and poor owner/agent evaluations- if they can show the cause of these negative factors were caused by domestic violence. The owner/agent does require certification beyond self certification of the applicant. This may include verification from police, domestic violence victims' advocates and social service agencies.

2) It assured that victims of domestic violence, sexual assault etc. can have access to the criminal justice system without facing eviction.

3) Where someone is abusive to other members of the household, only the abuser may be evicted if the reason for eviction is directly related to such abuse.

4) Residents living in assisted housing facing violence can be allowed early lease termination for a matter of safety. HUD encourages a transfer policy that is supportive of transfers in these situations.

Certification and Confidentiality

When the owner/agent responds to a claim of protected status under the VAWA the owner/agent will request, in writing if appropriate, that an individual complete, sign, and submit within 14 business days of the request, the HUD-approved certification form (HUD-91066). The owner/agent understands that the delivery of the certification form to the resident via mail may place the victim at risk, e.g., the abuser may monitor the mail. Therefore, in order to mitigate risks, the owner/agent will work with the resident in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.

If the resident has sought assistance in addressing domestic violence, dating violence or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit written proof of this outreach in lieu of HUD Form 91066.

In addition to submitting HUD 91066, the victim must submit two of the following:



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- A federal, state, tribal, territorial, or local police record or court record or
- Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) From whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

The owner/agent will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

The identity of the victim and all information provided to owner/agent relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

- a) Requested or consented to by the victim in writing;
- b) Required for use in an eviction proceeding or termination of assistance; or
- c) Otherwise required by applicable law.

The HUD Form 91066 provides notice to the resident of the confidentiality of the form and the limits thereof. The owner/agent will retain all documentation relating to an individual's domestic violence, rape, dating violence or stalking in a separate file that is kept in a separate secure location from other resident files.

Lease Bifurcation

If the owner/agent determines that physical abuse caused by a resident is clear and present, the law provides O/As the authority to bifurcate a lease i.e., remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy.

O/As must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence or stalking against another household member, an interim recertification will be processed reflecting the change in household composition.

Lease Addendum

The owner/agent is required to attach the HUD-approved Lease Addendum, Form HUD-91067, which includes the VAWA provisions, to each existing or new lease.

