

Notice to Public Housing Residents Regarding the Violence Against Women Act (VAWA)

To all public housing residents:

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, and stalking. The name of the law is the Violence Against Women Act, or “VAWA.” This notice is being provided to ALL public housing tenants and explains your rights under VAWA.

Protections for Victims

If you are eligible for public housing, the Housing Authority cannot refuse to admit you to the public housing program solely because you are a victim of domestic violence, dating violence, or stalking.

If you are the victim of domestic violence, dating violence, or stalking, the Housing Authority cannot evict you based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you if you were the victim of the abuse.

Reasons You Can Be Evicted

The Housing Authority can still evict you if the Housing Authority can show there is an *actual* and *imminent* (immediate) threat to other tenants or Housing Authority staff if you are not evicted. Also, the Housing Authority may evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking against you. The Housing Authority 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 Authority 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 public housing unit. If the Housing Authority 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 Authority must follow federal, state, and local eviction procedures.

Proving that You Are a Victim of Domestic Violence, Dating Violence, or Stalking

The Housing Authority can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, or stalking. The Housing Authority must give you at least 14 business days (Saturdays, Sundays and holidays do not count) to provide this

proof. The Housing Authority is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the Housing Authority. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, 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."
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within 14 business days, the Housing Authority can choose to evict you if you have violated your lease or a program obligation.

Confidentiality

The Housing Authority must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the Housing Authority to release the information.
- The Housing Authority needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the Housing Authority to release the information.

You should inform the Housing Authority if your safety will be placed at risk if the Housing Authority discloses information about the violence against you.

VAWA and Other Laws

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

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

For Additional Information

If you have any questions regarding VAWA, please contact _____ at _____.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (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:

- (1) a current or former spouse of the victim;
- (2) a person with whom the victim shares a child in common;
- (3) a person who is cohabitating with or has cohabitated with the victim as a spouse;
- (4) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies;
- (5) any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

VAWA defines “dating violence” as violence committed by a person--

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim;
AND

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

VAWA defines “stalking” as

(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; OR

(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person;
AND

(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to--

- (i) that person;
- (ii) a member of the immediate family of that person; or
- (iii) the spouse or intimate partner of that person