

# **Notice to Project-Based Section 8 Residents Regarding the Violence Against Women Act (VAWA)**

To all project-based Section 8 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 explains your rights under VAWA.

## **Protections for Victims**

If you are eligible for project-based Section 8 housing, the landlord cannot refuse to rent to you 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, your landlord 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**

Your landlord can still evict you if he or she can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you are not evicted. Also, your landlord may evict you for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking against you. Your landlord 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**

Your landlord 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 your landlord chooses to remove the abuser, he or she may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

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

Your landlord can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, or stalking. Your landlord must give you at least 14 business days to provide this proof. Your landlord is free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete a certification form. The form will ask for the name of your abuser; the date, time, and location of the incident of abuse; and a brief description of the incident.
- 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, your landlord may evict you.

### **Confidentiality**

Your landlord must keep confidential any information you provide about the violence against you, unless:

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

If your safety would be at risk if information about the abuse is revealed to others, notify your landlord of your safety needs, and contact your local domestic violence or legal aid office to plan for your safety.

### **VAWA and Other Laws**

VAWA does not limit your landlord’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.

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