



Violence Against Women Act (VAWA): Language to Include in the Administrative Plan

Admissions: Screening

1. That an applicant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for admission. [42 U.S.C. §§ 1437f(c)(9)(A) and (o)(6)(B).]
2. In determining eligibility for housing assistance in cases where the Housing Authority has become aware that the household includes a victim of domestic violence, and when screening reveals negative and potentially disqualifying information, such as poor credit history, previous damage to an apartment, or a prior arrest, inquiries will be made regarding the circumstances contributing to this negative history, to ascertain whether these past events were the consequence of domestic violence against a member of the applicant household.
3. Any such inquiries will make clear that members of applicant households have a right to keep any history of domestic violence against them confidential.
4. When inquiries reveal that the negative history was the consequence of domestic violence, dating violence, or stalking against a member of the applicant household, the applicant household will not be denied housing assistance on the basis of this reporting, provided that the perpetrator of domestic violence is not a member of the applicant household.
5. The Housing Authority may ask for documentation establishing that the negative history was the consequence of domestic violence, dating violence, or stalking. The applicant shall have fourteen business days (i.e. weekends and holidays will not count in determining the deadline) to provide such documentation. The Housing Authority may grant extensions to the fourteen-day-deadline if the applicant demonstrates good cause. The applicant can satisfy the documentation requirement in any of the following ways:
 - a. Completing a HUD-approved certification form verifying that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. Such certification shall include the name of the perpetrator. The Housing Authority will work with the victim to ensure that delivery of the certification form does not endanger the victim's safety.; OR
 - b. Providing the requesting owner, manager, or Housing Authority with documentation signed by any of the following third parties: (a) an employee, agent, or volunteer of a victim service provider; (b) an attorney; (c) a medical professional; or (d) other knowledgeable professional. The person signing the documentation must have assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of the abuse. The person signing the documentation must attest under penalty of perjury to his or her belief that the incident or incidents in question are bona fide incidents of abuse. The victim of domestic violence, dating violence, or stalking must also sign the documentation; OR
 - c. Producing a Federal, State, tribal, territorial, or local police or court record. [42 U.S.C. § 1437f(ee)(1)(C).]
6. All denial of assistance letters will notify applicants of VAWA's protections and that they may seek an informal review if they believe that the denial of assistance was related to acts of domestic violence, dating violence, or stalking committed against the applicant.
7. If because of safety concerns a victim of domestic violence, dating violence, or stalking is unwilling or unable to provide information or identification ordinarily required to confirm

eligibility, efforts will be made to otherwise establish eligibility and alternative sources and methods of verification will be accepted.

Admissions: Break Up of Family on the Waiting List

If a family on the waiting list breaks up, the PHA has discretion to determine which family members will retain the family's position on the waiting list. However, if a court assigns the family's position on the waiting list to particular family members in a divorce or separation under a settlement or judicial decree, the PHA must assign the waiting list position as directed by the court.

In the absence of a judicial decision, the PHA will consider the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) any possible risks to family members as a result of domestic violence or criminal activity, and (4) the recommendations of social service professionals.

The PHA will prioritize victims of actual or threatened domestic violence, dating violence, or stalking where that violence is a contributing cause of the household breakup. However, if there are minor children in the family and the children do not primarily reside with the victim, the PHA may choose not to apply this subsection in order to keep the assistance with the children.

Absent Family Members

Prior to determining that a family member or a family has abandoned an assisted unit, the PHA shall take into account the role domestic violence, dating violence, or stalking played in the absence.

Termination of Rental Assistance

The Housing Authority may not terminate assistance to a participant in the voucher program on the basis of an incident of actual or threatened domestic violence, dating violence, or stalking against that participant. [42 U.S.C. § 1437f(o)(20)(A).]

Criminal activity directly relating to actual or threatened domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim of that criminal activity. [42 U.S.C. § 1437f(o)(20)(B).]

If there is alleged criminal activity, fraud or any other cause for termination from the Section 8 program, the Housing Authority shall consider whether domestic violence, dating violence, or stalking played a role in such activity prior to deciding whether to terminate the family from the program. The Housing Authority shall not terminate a victim of domestic violence, dating violence, or stalking from the program due to the criminal activity of the perpetrator. If the abuse perpetrator is part of the family being assisted, the Housing Authority shall consider terminating only the abuser from the program. However, the Housing Authority may exercise discretion to ensure that the Section 8 assistance remains with the children.

All termination notices will notify participants of VAWA's protections and that they may seek an informal hearing if they believe that the termination is based on acts of domestic violence, dating violence, or stalking committed against the participant.

Bifurcation of Rental Assistance

The Housing Authority may terminate assistance to a household member who engages in criminal acts of physical violence against family members or others, without terminating assistance to, or otherwise penalizing, the victim of such violence. The Housing Authority's right to exercise this discretion is not dependent on a bifurcated lease or other eviction action by the owner against an individual family member. [42 U.S.C. §§ 1437f(o)(7)(D)(ii), 1437f(o)(20)(D)(i).]

When rent for a Section 8 unit has previously been determined based on the income of an abusive family member who has left the household or been excluded from the household by a domestic violence restraining order or injunction or other court order, rent for the unit will immediately be adjusted to reflect the household's changed circumstances.

Break-Up of an Assisted Family

The PHA has discretion to determine which members of an assisted family will continue to receive assistance if the family breaks up. However, if a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the PHA must assign the assistance as directed by the court.

In the absence of a judicial decision, or an agreement among the original family members, the PHA will determine which family retains their placement on the waiting list, or will continue to receive assistance taking into consideration the following factors: (1) the interest of any minor children, including custody arrangements, (2) the interest of any ill, elderly, or disabled family members, (3) any possible risks to family members as a result of domestic violence or criminal activity, and (4) the recommendations of social service professionals.

The PHA will prioritize victims of actual or threatened domestic violence, dating violence, or stalking where that violence is a contributing cause of the household breakup. However, if there are minor children in the family and the children do not primarily reside with the victim, the PHA may choose not to apply this subsection in order to keep the assistance with the children.

If the family members are forced to leave the unit because of actual or threatened domestic violence, dating violence, or stalking by other members of the household, the PHA may terminate the HAP contract for the original assisted unit and transfer the assistance to the family members forced to leave.

Honoring Court Orders

Nothing in this Plan may be construed to limit the authority of the Housing Authority to honor court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up. [42 U.S.C. § 1437f(o)(20)(D)(ii).]

Lease Violations Unrelated to Domestic Violence

Nothing in this Plan limits any otherwise available authority of the Housing Authority to terminate assistance to a tenant for any violation of a lease not premised on acts of violence against the tenant or a member of the tenant's household, provided that the Housing Authority does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate. [42 U.S.C. § 1437f(o)(20)(D)(iii).]

Actual and Imminent Threat to Others at the Property

Nothing in this Plan limits the authority of the PHA to terminate the assistance of any occupant who can be demonstrated to pose an actual or imminent threat to other tenants or the property's employees.

[Department of Housing and Urban Development, Violence Against Women and Department of Justice Reauthorization Act of 2005, 72 Fed. Reg. 12,696 (Mar. 16, 2007).]

Relationship to Other Laws

Nothing in this Plan shall be construed to supersede any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking. [42 U.S.C. § 1437f(o)(20)(D)(v).]

Rights and Obligations of Section 8 Owners Under VAWA

Restrictions on Terminations of Tenancies

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence. [42 U.S.C. § 1437f(o)(7)(C).]

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking. [42 U.S.C. §§ 1437f(o)(7)(D).]

Authorization of a Section Owner to Bifurcate Lease

An owner or manager may bifurcate a lease to evict, remove, or terminate occupancy rights to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases under the relevant program of HUD-assisted housing. [42 U.S.C. § 1437f(o)(7)(D)(ii).]

Responsibility of Section 8 Owners to Honor Court Orders

Nothing in this Plan limits the authority of an owner or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up. [42 U.S.C. § 1437f(o)(7)(D)(iii).]

Section 8 Owner's Authority to Evict for Lease Violations Unrelated to Domestic Violence

Nothing in this Plan limits any otherwise available authority of an owner or manager to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict. [42 U.S.C. § 1437f(o)(7)(D)(iv).]

Actual and Imminent Threat to Other Tenants or Employees at the Property

- A. Nothing in this Plan limits the authority of an owner or manager to terminate assistance to a tenant if the owner or manager can demonstrate an actual and imminent threat to other tenants or

employees at the property if that tenant is not terminated from assistance. [42 U.S.C. § 1437f(o)(7)(D)(v).]

- B. The owner or manager should examine:
- a. Whether the threat is toward a tenant or employee other than the victim of domestic violence, dating violence, or stalking;
 - b. Whether the threat is a physical danger beyond a speculative threat; and
 - c. Whether the threat is likely to happen within a short period of time.

Portability

Even if moving would otherwise constitute a violation of the lease, a Section 8 voucher family may move to another dwelling and continue to receive rental assistance if the family has complied with all program obligations and is moving to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, or stalking. The Housing Authority may request that the family provide the HUD-approved certification form or other documentation to verify the family's claim that the request to move is prompted by incidences of abuse. [42 U.S.C. §1437f(r)(5).]

If it is necessary for a family member to break a lease in order to escape domestic violence, dating violence, or stalking, the Housing Authority shall not terminate the victim from the Section 8 program.

Under extraordinary circumstances, including situations involving domestic violence, dating violence, or stalking, the Housing Authority may consider allowing more than one move in a 12-month period.

Certification of Domestic Violence, Dating Violence, or Stalking

If an individual seeks to assert the protections of the Violence Against Women Act, the owner, manager, or the Housing Authority may request that the individual provide documentation establishing that the individual is a victim of actual or threatened domestic violence, dating violence, or stalking. Requests for documentation shall be in writing. The individual shall provide such documentation within 14 business days (*i.e.*, Saturdays, Sundays, and holidays will not count in determining the number of days) after the individual receives a written request for such certification from the owner, manager, or Housing Authority. [42 U.S.C. § 1437f(ee)(1)(A).]

If the individual does not provide the documentation within 14 business days after the individual receives a request in writing for such documentation, the owner, manager, or housing authority may evict or terminate the assistance of any individual who committed a lease violation. The owner, manager, or Housing Authority may extend the 14-business-day deadline at their discretion. [42 U.S.C. § 1437f(ee)(1)(B).]

An individual may satisfy the certification requirement in any of the following ways:

- Completing a HUD-approved certification form verifying that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. The Housing Authority will work with the victim to ensure that delivery of the certification form does not endanger the victim's safety.; OR
- Providing the requesting owner, manager, or Housing Authority with documentation signed by any of the following third parties: (a) an employee, agent, or volunteer of a victim service provider; (b) an attorney; (c) a medical professional; or (d) other knowledgeable professional. The person signing the documentation must have assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of the abuse. The person signing the

documentation must attest under penalty of perjury to his or her belief that the incident or incidents in question are bona fide incidents of abuse. The victim of domestic violence, dating violence, or stalking must also sign the documentation; OR

- Producing a Federal, State, tribal, territorial, or local police or court record. [42 U.S.C. § 1437f(ee)(1)(C).]

Nothing in this Plan shall be construed to require the owner, manager, or Housing Authority to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of VAWA's protections. At their discretion, the owner, manager, or Housing Authority may provide VAWA's protections to an individual based solely on the individual's statement or other corroborating evidence. [42 U.S.C. § 1437f(ee)(1)(D).]

Confidentiality

All information provided to the owner, manager, or Housing Authority related to an individual's status as a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by the owner, manager, or Housing Authority, and shall neither be entered into any shared database nor provided to any related entity, unless disclosure is:

- requested or consented to by the individual in writing;
- required for use in an eviction proceeding (such as to evict the perpetrator); or
- otherwise required by applicable law.

[42 U.S.C. 1437f(ee)(2)(A).]

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the PHA will inform the victim before disclosure occurs so that safety risks can be identified. If disclosure of the information would place the victim's safety at risk, the PHA will work with the victim to determine whether there are alternatives to disclosure.

Information that might endanger a victim of domestic violence, such as the address to which an individual fleeing a perpetrator has relocated, will be kept strictly confidential and will not be shared with any person outside the Housing Authority unless the individual voluntarily waives confidentiality.

Voucher Program – Notification

The Housing Authority shall provide notice to tenants assisted under the voucher program of their rights under the Violence Against Women Act, including their right to confidentiality. [42 U.S.C.

1437(ee)(1)(B).] The Housing Authority will provide notification of VAWA in the following ways:

- i. By including information regarding VAWA in orientations and briefing packets for new participants.
- ii. By posting information regarding VAWA in the Housing Authority's offices.
- iii. By posting information regarding VAWA on the Housing Authority's website.
- iv. By informing participants of their rights under VAWA during the annual recertification.
- v. By including information regarding VAWA in all program violation notices, termination letters, and denial of assistance letters.

Violence Against Women Act (VAWA): Language to Include in the Public Housing ACOP

Admission

- a. That an applicant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for admission. [42 U.S.C. §§ 1437f(c)(9)(A) and (o)(6)(B).]
- b. In determining eligibility for housing assistance in cases where the Housing Authority has become aware that the household includes a victim of domestic violence, and when screening reveals negative and potentially disqualifying information, such as poor credit history, previous damage to an apartment, or a prior arrest, inquiries will be made regarding the circumstances contributing to this negative reporting, to ascertain whether these past events were the consequence of domestic violence against a member of the applicant household.
- c. Any such inquiries will make clear that members of applicant households have a right to keep any history of domestic violence against them confidential.
- d. When inquiries reveal that the negative reporting was the consequence of domestic violence against a member of the applicant household, the applicant household will not be denied housing assistance on the basis of this reporting, provided that the perpetrator of domestic violence is not a member of the applicant household.
- e. The Housing Authority may ask for a statement or documentation establishing that the negative history was the consequence of domestic violence, dating violence, or stalking. The applicant shall have fourteen business days (i.e. weekends and holidays will not count in determining the deadline) to provide such documentation. The Housing Authority may grant extensions to the fourteen-day-deadline if the applicant demonstrates good cause. The applicant can satisfy the documentation request in any of the following ways:
 - a. Completing a HUD-approved certification form verifying that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. Such certification shall include the name of the perpetrator. The Housing Authority will work with the victim to ensure that delivery of the certification form does not endanger the victim's safety.; OR
 - b. Providing the requesting owner, manager, or Housing Authority with documentation signed by any of the following third parties: (a) an employee, agent, or volunteer of a victim service provider; (b) an attorney; (c) a medical professional; or (d) other knowledgeable professional. The person signing the documentation must have assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of the abuse. The person signing the documentation must attest under penalty of perjury to his or her belief that the incident or incidents in question are bona fide incidents of abuse. The victim of domestic violence, dating violence, or stalking must also sign the documentation; OR
 - c. Producing a Federal, State, tribal, territorial, or local police or court record. [42 U.S.C. § 1437f(ee)(1)(C).]

All denial of assistance letters will notify applicants of VAWA's protections and that they may seek an informal hearing if they believe that the denial of assistance was related to acts of domestic violence, dating violence, or stalking committed against the applicant. In accordance with the PHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

- f. Nothing in this Plan shall be construed to require the public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided

in this section. At their discretion, the public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.

- g. If because of concerns for his or her safety a victim of domestic violence is unwilling or unable to provide information or identification ordinarily required to confirm eligibility for public housing, efforts will be made to otherwise establish eligibility and alternative sources and methods of verification will be accepted.

Absent Family Members

Prior to determining that a family member or a family has abandoned an assisted unit, the PHA shall take into account the role domestic violence, dating violence, or stalking played in the absence.

Termination of Tenancy

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence. [42 U.S.C. § 1437d(l)(5).]

Criminal activity directly relating to actual or threatened domestic violence, dating violence, or stalking shall not be considered a serious or repeated lease violation by the victim of that criminal activity. [42 U.S.C. § 1437d(l)(6).]

In cases of criminal activity on or off the property, the Housing Authority shall consider whether the activity in question was due to incidents of domestic violence, dating violence, or stalking, in its use of discretion around whether to terminate a lease. The Housing Authority shall give tenants an opportunity, through a grievance hearing and/or in a court proceeding, to present evidence that supports continuing the tenancy.

All eviction notices will notify participants of VAWA's protections and that they may seek a grievance hearing if they believe that the lease violation is based on acts of domestic violence, dating violence, or stalking committed against the participant.

Lease Violations Unrelated to Domestic Violence

Nothing in this Plan limits any otherwise available authority of the Housing Authority to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the Housing Authority does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate. [42 U.S.C. § 1437d(l)(6)(D).]

Cases in Which Tenant's Presence Is an Actual and Imminent Threat to Other Tenants or Employees at the Property

- A. Nothing in this provision may be construed to limit the authority of the Housing Authority to terminate the tenancy of any tenant if the Housing Authority can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated. [42 U.S.C. § 1437d(l)(6)(E).]
- B. The Housing Authority will examine:
 - a. Whether the threat is toward a tenant or employee other than the victim of domestic violence, dating violence, or stalking;
 - b. Whether the threat is a physical danger beyond a speculative threat;

- c. Whether the threat is likely to happen within a short period of time; and
 - d. Whether the threat can be eliminated by taking steps short of termination, such as assisting the victim to relocate to a confidential location.
- C. If the tenant wishes to contest the Housing Authority's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing.

Bifurcation of the Lease

The Housing Authority may remove a household member from a lease, without regard to whether the household member is a signatory to a lease, in order to evict, remove, or terminate the occupancy rights of any individual who engages in criminal acts of physical violence against family members or others, without terminating the tenancy rights of the victim of such violence. Eviction of the perpetrator shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing. [42 U.S.C. § 1437d(l)(6)(B).]

When rent for a public housing unit has previously been determined based on the income of an abusive family member who has left the household or been excluded from the household by a domestic violence restraining order or injunction or other court order, rent for the unit will immediately be adjusted to reflect the household's changed circumstances.

Obligation to Honor Court Orders

Nothing in this Plan may be construed to limit the authority of the Housing Authority, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up. [42 U.S.C. § 1437d(l)(6)(C).]

Relationship to Other Laws

Nothing in this Plan shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking. [42 U.S.C. § 1437d(l)(6)(F).]

Certification [42 U.S.C. § 1437d(u)(1)(A), (B)]

If an individual seeks to assert the protections of the Violence Against Women Act, the owner, manager, or the Housing Authority may request that the individual provide documentation establishing that the individual is a victim of actual or threatened domestic violence, dating violence, or stalking. Requests for documentation shall be in writing. The individual shall provide such documentation within 14 business days (*i.e.*, weekends and holidays will not count in determining the number of days) after the individual receives a written request for such certification from the owner, manager, or Housing Authority. [42 U.S.C. § 1437d(u)(1)(A).]

If the individual does not provide the documentation within 14 business days after the individual receives a request in writing for such documentation, the owner, manager, or housing authority may evict or terminate the assistance of any individual who committed a lease violation. The owner, manager, or Housing Authority may extend the 14-business-day deadline at their discretion. [42 U.S.C. § 1437d(u)(1)(B).]

An individual may satisfy the certification request in any of the following ways –

- Completing a HUD-approved certification form verifying that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of actual or threatened abuse. Such certification shall include the name of the perpetrator. The Housing Authority will work with the victim to ensure that delivery of the certification form does not endanger the victim’s safety; OR
- Providing the requesting owner, manager, or Housing Authority with documentation signed by any of the following third parties: (a) an employee, agent, or volunteer of a victim service provider; (b) an attorney; (c) a medical professional; or (d) other knowledgeable professional. The person signing the documentation must have assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of the abuse. The person signing the documentation must attest under penalty of perjury to his or her belief that the incident or incidents in question are bona fide incidents of abuse. The victim of domestic violence, dating violence, or stalking must also sign the documentation; OR
- Producing a Federal, State, tribal, territorial, or local police or court record. [42 U.S.C. § 1437d(u)(1)(C).]

Nothing in this Plan shall be construed to require the owner, manager, or Housing Authority to demand that an individual produce official documentation or physical proof of the individual’s status as a victim of domestic violence, dating violence, or stalking in order to receive any of VAWA’s protections. At their discretion, the owner, manager, or Housing Authority may provide VAWA’s protections to an individual based solely on the individual’s statement or other corroborating evidence. [42 U.S.C. § 1437d(u)(1)(D).]

Confidentiality [42 U.S.C. § 1437d(u)(2)(A)]

All information provided to the Housing Authority related to an individual’s status as a victim of domestic violence, dating violence, or stalking shall be retained in confidence by the Housing Authority, and shall neither be entered into any shared database nor provided to any entity, unless disclosure is:

- requested or consented to by the individual in writing;
- required for use in an eviction proceeding; or
- otherwise required by applicable law.

Information that might endanger a victim of domestic violence, such as the address to which an individual fleeing a perpetrator has relocated, will be kept strictly confidential and will not be shared with any person outside the Housing Authority unless the individual voluntarily waives confidentiality.

Notification [42 U.S.C. § 1437d(u)(2)(B).]

The Housing Authority shall provide notice to tenants assisted under the public housing program of their rights under the Violence Against Women Act, including their right to confidentiality. The Housing Authority will provide notification of VAWA in the following ways:

- I. By including information regarding VAWA in orientations and briefing packets for new participants.
- II. By posting information regarding VAWA in the Housing Authority’s offices.

- III. By posting information regarding VAWA on the Housing Authority's website.
- IV. By informing tenants of their rights under VAWA during the annual recertification.
- V. By including information regarding VAWA in all program violation notices, eviction notices, and denial of assistance letters.

Transfers

- A. *Application for transfer.* In situations that involve significant risk of harm to an individual as a result of incidents or threats of domestic violence, dating violence, or stalking, the Housing Authority will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a public housing tenant to a different unit in order to reduce the level of risk to the individual. A tenant who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the tenant or another member of the household who is or was the victim of domestic violence, dating violence, or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.
- B. *Action on applications.* The Housing Authority will act upon such an application within 14 business days.

Linkages with Community Resources

When the Housing Authority becomes aware that an individual is experiencing or has experienced domestic violence, the Housing Authority may refer him or her to domestic violence advocates. The Housing Authority will also inform the individual that local legal services agencies are available to provide assistance and representation to domestic violence victims in obtaining and maintaining personal protection orders, custody orders, exclusive use of the home, and other necessary legal remedies for victims of domestic violence; and that the Police Department is available for emergency response and intervention.

To be included in ACOP and Administrative Plan:

Definitions (Glossary) [42 U.S.C. § 13925(a)(6)-(8); 42 U.S.C. § 1437f(f)(8)-(11)]

“Domestic violence” is defined 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.

“Dating violence” is defined 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.

“Stalking” is defined 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

“Immediate family member” means, with respect to a person –

- (1) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- (2) any other person living in the household of that person and related to that person by blood or marriage.