

Dear Tenant and Landlord:

The Violence Against Women Act (VAWA) requires local Housing Authorities to notify their participants and owners under the Housing Choice Voucher Program about changes in the law and how it affects them.

The new law specifies that incidents of domestic violence or stalking in which participants or members of their families are the victims do not qualify as serious or repeated violations of the lease nor do they constitute grounds for termination of a tenancy.

In addition, all Voucher holders are hereby notified that their voucher may be portable between jurisdictions to escape an imminent threat of further violence or stalking.

The law explicitly states that:

“an applicant or participant (who) 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 assistance or admission.

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 shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

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 assistance, 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.

An owner or manager may bifurcate (split, divide) a lease under this section, in order to evict, remove, or terminate assistance 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, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

Nothing....may be construed to limit the authority of a public housing agency, 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.

Nothing....limits any otherwise available authority of an owner or manager to evict or the public housing agency 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 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 or terminate.

Nothing.... may be construed to limit the authority of an owner, manager or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the property if that tenant is not evicted or terminated from assistance.”

The law also specifically states that:

“An owner, manager or public housing agency ....may request that an individual certify via a HUD approved certification form 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 such actual or threatened abuse....Such certification shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the owner, manager or public housing agency requests such certification.

If the individual does not provide the certification within 14 business days after the owner, manager or public housing agency or assisted housing provider has requested such certification in writing, nothing ....may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for any tenant or lawful occupant that commits violations of a lease. The owner, manager, public housing agency or assisted housing provider may extend the 14-day deadline at their discretion.

An individual may satisfy the certification requirement ...by providing the requesting owner, manager or public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation or by producing a Federal, State, tribal, territorial or local police or court record."

The law also permits the owner, manager or public housing agency, at their discretion, to accept a self-certification from the victim as to the domestic violence, dating violence, sexual assault or stalking.

As of this date, HUD has yet to provide such a certification form. However, the Housing Authority has developed a certification form, based on a preliminary sample form proposed by federal officials.

If you or a member of your family are a victim or threatened victim of domestic violence, dating violence, sexual assault or stalking and wish to port your Voucher to another jurisdiction or are threatened with eviction because of such incidents, please contact your Housing Authority counselor immediately.

You will then have an opportunity to complete the certification form and/or provide the documentation as required so that you may maintain your tenancy and assistance or be issued a Voucher to relocate.

Sincerely,

Public Housing Authority