

## IMPORTANT OWNER NOTICE CONCERNING PARTICIPANT RIGHTS AND OBLIGATIONS AS THEY RELATE TO THE VIOLENCE AGAINST WOMEN ACT

A recent law known as Violence Against Women Act or "VAWA" provides new protections for victims of domestic violence, dating violence and stalking who are residents of or applicants to the Public Housing or Leased Housing Programs.

### You should know that:

1. **Admissions:** If an applicant is or has been the victim of domestic violence, dating violence, or stalking, this is not an appropriate basis on which to deny program assistance or to deny admission if the applicant otherwise qualifies for assistance or admission.

2. **Lease terms:**

- An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be 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 that violence.
- Additionally, you may not terminate a tenancy, assistance or occupancy rights as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of a household, a guest or another person under the control of that household, and another household member is the victim.

### However there are some limitations to these protections:

- You *may* terminate tenancy and/or assistance if you can demonstrate "an actual and imminent threat" to other tenants or to persons employed at or providing services to the development.
- If a tenant claims protection under VAWA against termination of tenancy or assistance, you may ask the tenant to deliver a certification, which the tenant must provide in 14 days, concerning the incident or incidents that raises the VAWA protections.

3. **Certification:** There are three ways that a tenant can provide requested certification. The tenant may: (1) fill out a HUD-approved form, which the tenant may request from his/her Service Representative, or (2) provide a police report or court record, or (3) have a professional person whom the tenant consulted about the domestic violence, dating violence or stalking provide documentation.

The tenant may choose *any* of these three options for certification. You cannot require a specific type of documentation or more than one form of documentation so long as the tenant follows one of these three certification methods. *The tenant must deliver the certification in one of these three ways within 14 business days after receipt of your request for certification or the tenant may not claim protection under VAWA.*

4. **Confidentiality:** Information provided by a tenant about an incident or incidents of domestic violence, dating violence or stalking *must* be held by the owner, manager, and/or CHA in confidence and not shared without the tenant's consent, *except that this information may be disclosed in an eviction proceeding or otherwise as necessary to meet the requirements of law.*

5. **Removal of/Termination of Assistance to Perpetrator of Physical Violence:** An owner or manager may terminate the tenancy of and evict a tenant or other lawful occupant, and/or CHA may terminate assistance to a participant in the Section 8 program, who engages in criminal acts of physical violence against family members or others. This action may be taken against the individual alone, without evicting, terminating the tenancy of, removing, denying assistance to, or otherwise penalizing other household members.

6. **Evictions.** Owners, managers and CHA must make tenants aware of their rights under VAWA.

7. **Moving to Another Location.** If a household is otherwise in compliance with its lease and other Section 8 requirements, and the tenant reasonably believes that the household must relocate to protect a member of your household from an imminent threat of harm by domestic violence, dating violence, or stalking, CHA may issue a voucher to the household to permit a move (port) to another location even though this action would break an existing lease. CHA may request the certification described above before issuing the voucher.

