

Chapter 21

VIOLENCE AGAINST WOMEN ACT (VAWA) PROVISIONS

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 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 notified by mail or at time of Voucher issuance 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 agencymay 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, nothingmay 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 requirementby 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.

HUD has provided such a certification form, form HUD-50066.

If a tenant, applicant or a member of the tenant/applicant family are a victim or threatened victim of domestic violence, dating violence, sexual assault or stalking and wish to

port the Voucher to another jurisdiction or are threatened with eviction because of such incidents, they are required to contact their Housing Authority counselor immediately.

The victim or alleged victim, whether a participant or applicant, will then have an opportunity to complete the certification form and/or provide the documentation as required so that they may maintain tenancy and assistance or be issued a Voucher to relocate.

In addition, new Housing Assistance Payments Contracts and lease addendums have been added which incorporate the VAWA provisions. These documents, too, were just recently provided by HUD to local HA's.

Attachment A

Delaware Metropolitan Housing Authority

Five-Year and Annual Plans Fiscal Years 10/01/2015 - 10-01/2019

Violence Against Women Act Report

A goal of the Delaware Metropolitan Housing Authority (DMAH) is to fully comply with the Violence Against Women Act (VAWA). It is our objective to work with others to prevent offenses covered by VAWA to the degree we can.

DMHA provides or offers the following activities, services, or programs, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking.

Through cooperation with the local domestic violence agencies and local law enforcement agencies, any cases of violence described are referred for assistance. The local domestic violence agencies include Turning Point, CHOICES, and Ohio Alliance to End Sexual Violence.

DMHA provides or offers the following activities, services, or programs that help child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing.

The same methods as described herein are used, making referrals to local domestic violence agencies and local law enforcement agencies for needed service and assistance.

DMHA provides or offers the following activities, services, or programs to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

The same methods as described herein are used, making referrals to local domestic violence agencies and local law enforcement agencies for needed service and assistance.

DMHA has the following procedures in place to assure applicants, residents and participants are aware of their rights and responsibilities under the Violence Against Women Act:

The Section 8 Administrative Plan has been revised to include screening and termination language related to the Violence Against Women Act.

The orientation for new participants includes information on their rights and responsibilities under the Violence Against Women Act.

**Delaware Metropolitan Housing Authority
Housing Choice Voucher Program**

Administrative Plan Appendix

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Emergency Transfers:

The Delaware Metropolitan Housing Authority (PHA) Housing Choice Voucher Program (HCV) is concerned about the safety of its clients, and such concern extends to clients who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), PHA allows clients who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the client's current unit to another unit. Clients may request a VAWA emergency transfer regardless of sex, gender identity, or sexual orientation. Clients must provide certification showing that they are a victim of domestic violence, dating violence, sexual assault, or stalking so that the PHA may make a determination regarding a request for a VAWA emergency transfer.

This plan includes information on eligibility for a VAWA emergency transfer, the VAWA transfer request and unit offer process, VAWA victim safety, and confidentiality. Guidance on VAWA client rights and VAWA certification requirements is contained in the VAWA Notice of Occupancy Rights.

Eligibility for Emergency Transfers:

A client who is a victim of domestic violence, dating violence, sexual assault, or stalking and who provides certification of same is eligible for an emergency transfer if the client reasonably believes that there is a threat of imminent harm from further violence if the client remains in their current unit. If the client is a victim of sexual assault, the client may be eligible for a VAWA emergency public safety transfer if the client reasonably believes there is a threat of imminent harm from further violence if the client remains in their current unit or if the sexual assault occurred on the premises within the 90-calendar-day period preceding the client's request for a VAWA emergency transfer. Clients who are not in good standing may still request a VAWA emergency transfer if they meet the VAWA emergency transfer eligibility requirements.

Emergency Transfer Request Documentation:

To request a VAWA emergency transfer, the client shall complete and submit to PHA a VAWA Emergency Transfer Request Form and shall provide certification that the client is a victim of domestic violence, dating violence, sexual assault, or stalking. PHA will provide reasonable accommodations for individuals with disabilities.

Emergency Transfer Timing and Availability:

PHA cannot guarantee that a VAWA emergency transfer request will be approved or how long it will take to process a VAWA emergency transfer request. PHA will, however, act as quickly as possible to issue a voucher to a client who is a victim of domestic violence, dating violence, sexual assault, or stalking, subject to HCV's transfer policies. If the client who needs a VAWA emergency transfer is unable to locate a safe and available unit, PHA may refer the client to other housing providers.

HCV Transfer Hierarchy:

Transfers made pursuant to VAWA are considered emergency transfers. Clients in PHA's HCV Program who request and are approved for a VAWA emergency transfer will be processed for a transfer voucher in accordance with HCV's hierarchy of transfers as established in the Administrative Plan

Safety and Security of Participants:

Clients who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, Women Against Abuse's 24-hour domestic violence hotline at 1-866-PHA VAWA or a local domestic violence shelter for assistance in creating a safety plan. For persons with hearing impairments, the Women Against Abuse's hotline can be accessed by calling 215-456-1529 (TTY).

Clients who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Clients who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Confidentiality:

PHA will keep confidential any information that the client submits in connection with requesting VAWA protections, including keeping confidential the location of the client's new unit, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the client. PHA may disclose information related to a client's request for VAWA protections if the client gives PHA written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the housing program.