NOTIFICATION OF RIGHTS UNDER VIOLENCE AGAINST WOMEN ACT – HOUSING CHOICE VOUCHER (HCV) OWNER/MANAGER

To: **Participating** HCV Owner/Landlord/Property Manager

From: Anniston Housing Authority | 500 Addie Glen Avenue, Anniston, AL 33201

A new federal law reauthorizing the Violence Against Women Act (VAWA) provides certain rights and protections to Section 8-assisted tenants and members of their households. This law requires that you be notified of your rights and obligations under its provisions.

Protections Against Eviction or Termination of Assistance

1. Under VAWA, if an applicant or participant in the Section 8 program is otherwise eligible, the fact that the applicant or participant is or has been a victim of domestic violence, dating violence, or stalking (as these terms are defined in VAWA) is not an appropriate basis for denial of program assistance or denial of admission.

2. VAWA also states that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking:

(a) will not be considered to be a "serious or repeated" violation of the lease if the tenant is the victim of the incident or incidents of actual or threatened domestic violence, dating violence or stalking; and

(b) shall not be good cause for terminating the tenant's assistance, tenancy, or occupancy rights if the tenant is the victim of such actual or threatened domestic violence, dating violence or stalking.

This means that the tenant may not be evicted, nor may his or her assistance be terminated, based on such an incident or incidents of actual or threatened domestic violence, dating violence or stalking where the tenant is the victim.

2. In addition, although you may evict a tenant for certain types of criminal activity as provided in the lease, and the housing agency may terminate a household's assistance in such cases, VAWA states that you may not evict, or terminate tenancy or occupancy rights if the criminal activity is:

(a) directly related to domestic violence, dating violence, or stalking; and

(b) engaged in by a member of the household, any guest, or another person under the tenant's control; and

(c) the tenant or a member of the tenant's immediate family is the victim or threatened. victim of this criminal activity.

Portability to a New Location

As you may know, Section 8 households in good standing may move to another location after

one year of assistance and their assistance will follow them. However, the law does not allow this if the family was in violation of its lease when it moved. VAWA creates an exception where a family has complied with all other Section 8 requirements but moved out in violation of the lease in order to protect the health or safety of an individual who:

(a) was or is the victim of domestic violence, dating violence or stalking, and
(b) reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit

In these situations, the family will be allowed to port to a new jurisdiction even though it broke the lease by moving out.

Certification

If you notify a tenant that you intend to terminate the tenant's tenancy based on a matter that is an incident or incidents of domestic violence, dating violence, or stalking, and the tenant claims protection against eviction or termination of assistance under VAWA, you may request the tenant to deliver a certification as to the incidents in question. You do not have to require it, however. If you do require it, you must send the attached HUD-approved certification form to the tenant, who will then have 14 business days from receipt to complete it and return it to you or to deliver another form of certification as described below. If the tenant does not do this within the time allowed, he or she will not have protection under VAWA, and you may proceed with terminating the tenancy and evicting the tenant without reference to the VAWA protections.

The tenant may certify either by:

(a) completing and delivering to you a HUD-approved certification form mentioned above or

(b) providing you requests certification with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim (the tenant or another member of the tenant's immediate family) has sought assistance in addressing domestic violence, dating violence, or stalking or the effects of the abuse. (This certification must be sworn under penalty of perjury); or

(c) producing and delivering to you, a Federal, State, tribal, territorial, or local police or court record.

Confidentiality

Information provided to you relating to the fact that the tenant or another member of the tenant's household is a victim of domestic violence, dating violence, or stalking must be retained by you in confidence. This information may not be shared or disclosed by you or your agents or employees without the tenant's consent except as necessary for an eviction proceeding or as otherwise required by law.

Limitations

VAWA provides certain limitations and clarifications concerning tenants' rights as described above. In particular, you should know that nothing contained in VAWA:

1. prevents you from terminating tenancy and evicting, for any violation not involving domestic violence, dating violence, or stalking, for which VAWA provides the protections described above. However, you may not in such cases apply any more demanding standard to the tenant than to other Section 8-assisted tenants.

2. prevents you from terminating tenancy and evicting where you can demonstrate "an actual and imminent threat to other tenants or those employed at or providing service to the property." Where you can demonstrate such a threat, the tenant will not be protected from termination of tenancy and eviction by VAWA.

3. limits your ability to comply with court orders addressing rights of access to or control of the property. This includes civil protection orders entered for the protection of the victim or relating to the distribution or possession of property.

4. supersedes any Federal, State, or local law that provides greater protections than VAWA.

Owner or Manager Right to Remove Perpetrator of Domestic of Violence

VAWA also creates a new authority under Federal law that allows an owner or manager of a Section 8-assisted property to evict, remove, or terminate assistance to any individual tenant or lawful occupant of the property who engages in criminal acts of physical violence against family members or others. This may be done without evicting or taking any other action adverse to the other occupants.

Definitions

For purposes of interpreting and applying VAWA and this notification, the following definitions contained in VAWA are applicable:

Domestic Violence – [as defined in Section 40002 of VAWA 1994] which states as follows:

SEC 40002(a)(6) – "DOMESTIC VIOLENCE - The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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."