

HOUSING AUTHORITY OF THE CITY OF UPLAND

NOTICE TO SECTION 8 APPLICANT & PARTICIPANT OF RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women Act of 2013 (VAWA) provides protection for certain victims of domestic violence, dating violence, sexual assault, or stalking, as well as members of the victims' immediate families. The protections apply to Section 8 applicants/participants, and housing authorities must notify applicants/participants of their rights under VAWA. Please note: these protections apply to men and children as well as women.

VAWA Protections Against Eviction or Termination of Assistance

Under VAWA, victims of domestic violence, dating violence, sexual assault, or stalking are protected as follows:

- *You cannot be denied housing or housing assistance only because you are a victim:* If you are otherwise eligible for the housing or housing assistance, the housing authority or landlord cannot deny you only because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.
- *You cannot be evicted or terminated for "good cause" or "lease violation" if you are the victim:* You cannot be evicted or terminated based on an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking if you are the victim of the incident. Please see "actual and imminent threat", below, for an exception to this rule.
- *You cannot be evicted or terminated for criminal activity if the criminal activity was directly related to the domestic violence, dating violence, sexual assault, or stalking:* If the criminal activity was committed by a member of your household or any guest or other person under your control, and you (or an affiliated individual) are the victim and the criminal activity was directly related to domestic violence, dating violence, sexual assault, or stalking, you cannot be evicted or terminated.
- *The lease or voucher can be changed to evict only the perpetrator(s):* This action is known as "bifurcation" and allows the victimized tenants to remain in the unit while removing only the tenant who committed the act of domestic violence, dating violence, sexual assault, or stalking.
- *You can move to protect family members:* The Housing Authority cannot terminate assistance if you move to protect the health/safety of a family member who is the victim of domestic violence, dating violence, sexual assault, or stalking and reasonably believed he/she was imminently threatened by further violence if he/she stayed in the unit.

Limits of VAWA Protections

The protections of VAWA do not protect you from denial or termination of assistance or from being evicted in all circumstances. Under VAWA, you may be denied or terminated for the following reasons:

- *Good Cause Unrelated to Domestic Violence, Dating Violence, Sexual Assault, or Stalking:* Tenants and/or applicants may be denied, terminated or evicted for other good cause unrelated to the incident or incidents of domestic violence, provided that the victim is not subject to a more demanding standard than non-victims;
- *Actual and Imminent Threat:* The tenant may be terminated or evicted if the tenant is an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant is not evicted.

Documentation of Victim Status

If you claim protection under VAWA, the Housing Authority or the landlord may require you to provide documentation that you are a victim and that the incident or incidents are bona fide incidents of such actual or threatened abuse. If documentation is requested, the request must be made in writing. The Housing Authority or landlord must give you at least fourteen (14) business days from the date you receive the request to provide:

- *Self-certification of the victim:* Upon request, the Housing Authority or landlord will provide the attached form (HUD-50066) for you to use; **or**
- *Documentation from a professional:* The documentation can be from an employee, agent, or volunteer of a victim service provider, an attorney, medical professional, or a mental health professional you consulted about the domestic violence, dating violence, sexual assault, or stalking; **or**
- *Other records:* You can also submit federal, state, tribal, territorial, or local police, court records or administrative agency.

IMPORTANT: You must provide the documentation on or before the deadline. If you fail to provide the documentation by the deadline, you may be denied, terminated or evicted.

Confidentiality of VAWA-Related Information

All information provided to a housing authority or landlord relative to a claim for VAWA protection must be kept confidential. The housing authority or landlord must not share your information with unauthorized individuals, unless you give written consent to do so or the information is required for use in an eviction proceeding or otherwise required by law.

For Additional Information: Please visit the U.S. Department of Justice website, <http://www.ovv.usdoj.gov/regulations.htm>.