

Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

What is the Violence Against Women Act (VAWA)? This notice describes protections that may apply to you as an applicant or a tenant under a housing program covered by the Violence Against Women Act of 1994, as amended (VAWA). VAWA provides protections for victims of domestic violence, dating violence, sexual assault or stalking. Applicable protections must be in VAWA-covered leases and other program documents, as applicable. These protections may be raised at any time. To learn more about these protections or read this information in Spanish or another language, please contact [INSERT COVERED HOUSING PROVIDER (HP) CONTACT INFORMATION] or go to [INSERT WEBSITE, IF APPLICABLE].

What the words in this notice mean:

- *VAWA violence/abuse* means one or more incidents of domestic violence, dating violence, sexual assault or stalking.
- *Victim* means any victim of *VAWA violence/ abuse*, regardless of actual or perceived sexual orientation, gender identity, sex, or marital status.
- *Affiliated person* means the tenant’s spouse, parent, sibling, or child; or any individual, tenant, or lawful occupant living in the tenant’s household; or anyone for whom tenant acts as parent/guardian.
- “*We*” or “*us*” means [ENTER NAME OF EACH COVERED HOUSING PROVIDER FOR THE HOUSING OR RENTAL ASSISTANCE AND SPECIFY WHEN DIFFERENT FOR DIFFERENT PURPOSES (E.G. DOCUMENTATION)].

What if I am an applicant under a program covered by VAWA? You can’t be denied assistance covered by VAWA or admission to any housing covered by VAWA just because you (or a member of your household) are or were a victim or just because of problems you or a member of your household has had as a direct result of being or having been a victim

What if I am a tenant under a program covered by VAWA? You can’t be removed from a housing program covered by VAWA, lose your assistance covered by VAWA, or be evicted just because of real or threatened abuse against you or a member of your household, the fact that you (or a member of your household) are or were a victim, or problems you (or a member of your household) have as a direct result of being or having been a victim. Nor can you be evicted or be removed from your housing just because of another person’s criminal actions that directly relate to the abuse or threatened abuse against you or an affiliated person.

How can I remove an abuser from my household? Depending on applicable state law and program rules, your lease or assistance may be “bifurcated” to remove or evict ONLY the person doing the alleged criminal activity directly relating to the abuse. [For HOME and housing trust fund programs, INSERT “The remaining tenant(s) can keep receiving assistance or living in the assisted housing as applicable.” For the Continuum of Care Program (except for permanent supportive housing), HUD-VASH program, ESG program, Section 221(d)(3) Program, or Section 221(d)(5) Program, INSERT “The remaining family member(s) can keep receiving assistance or living in the assisted housing as applicable.” For permanent supportive housing funded by the Continuum of Care Program, INSERT “If that person is the qualifying member of your household, the remaining household member(s) can still receive rental assistance until expiration of the lease in effect when that person is evicted.” For the HCV and public housing programs, INSERT “If a household’s eligibility was based on the person removed, the other household member(s) must be given 30 calendar days to establish program eligibility or find alternative housing. In all other cases, INSERT the preceding sentence for HCV and Public Housing Programs BUT REPLACE “30 calendar days” WITH: the APPLICABLE time period in the table in Section XVII of Notice H 2017-05 (for HUD multifamily programs); the APPLICABLE grace period set by the HOPWA Grantee or Project sponsor (for HOPWA); or “until the end of the lease term or 90 calendar days (whichever is sooner)” for the Rural Housing Stability Assistance Program.].

Are there any reasons that I can be evicted or lose assistance? Although you can’t be held to a a more demanding standard because you or an affiliated person is a victim, you can still be evicted or lose assistance for a lease violation or program violation or other requirements that is not due to the VAWA violence/ abuse committed against you or an affiliated person. VAWA also will not prevent eviction, termination, or removal if other tenants or housing staff are shown to be in immediate, physical danger that could lead to serious bodily harm or death if you are not evicted or removed from assistance.

How can tenants request an emergency transfer? An emergency transfer cannot be guaranteed, but you can request an emergency transfer when: (1) you (or a member of your household) are a victim of VAWA violence/abuse; (2) you specifically request the emergency transfer; and either (3)(A) you reasonably believe you (or a member of your household) will soon face more violence if you stay in your housing; or (B) you (or a member of your household) are a victim of sexual assault that occurred on the premises and you request an emergency transfer within 90 days (including holidays and weekend days) after the date of that assault. You can request an emergency transfer even if you owe rent. If you request an emergency transfer, your request, the information you provided to make the request, and your new unit’s location must be kept strictly confidential. To request an emergency transfer or read the emergency transfer plan we are required to follow and to make available to you upon request, [ENTER SPECIFIC CONTACT INFORMATION, WEBSITE, AND/OR INSTRUCTIONS FOR REQUESTING AN EMERGENCY TRANSFER OR

A COPY OF THE APPLICABLE EMERGENCY TRANSFER PLAN]. The emergency transfer plan includes what we do to make sure your address and other relevant information are not disclosed to your abuser.

What do I need to document that I am a victim? If you ask for VAWA protection, we may request documents showing that you are a victim (which includes if a member of your household is a victim). BUT this request must be in writing and must give you at least 14 business days (weekends and holidays do not count) to respond, AND you are free to choose any ONE of the following :

1. A self-certification form, which we must give you along with this notice and either you fill out or someone fills out for you. The form asks for your name; the abuser's name, if known and safe to provide; and a description of the incident(s). It also further explains your confidentiality rights under VAWA.
2. A statement from a victim service provider, attorney, mental health professional or medical professional who has helped you address incidents of VAWA violence/ abuse. The professional must state "under penalty of perjury" that he/she/they believes that the incidents of VAWA violence/ abuse are real and covered by VAWA. Both you and the professional must sign the statement.
3. A police, administrative, or court record (such as a protective order) that shows you (or a member of your household) were a victim of VAWA violence/ abuse. [HP MAY INSERT AS #4 ANY OTHER STATEMENT OR EVIDENCE THAT CAN BE PROVIDED AS DOCUMENTATION THE APPLICANT OR TENANT IS A VICTIM]

If you do not provide one of these forms of documentation by the deadline, we do not have to provide the protection you requested. If the documentation we receive has conflicting information about the abuse, we may require you to provide documents under #2 or #3 [OR ENTER #4, IF APPLICABLE] above, but we must give you another 30 business days to do so.

Confidentiality If you share information with your housing agency, manager or landlord about why you need VAWA protections, we will keep the information you share confidential.

Exceptions:

- 1) If you ask us to share that information;
- 2) If we need to use that information to try to evict the person accused of being the abuser; or
- 3) If other laws require us to share the information.

How do other laws apply? VAWA does not prevent or excuse us from following laws that provide more protection to victims or court orders that concern your home or property. We must follow all applicable fair housing and civil rights requirements. If you have a disability, we must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents, or assistance with filling out forms). We must ensure effective communication with individuals with disabilities. If you speak or read in a language other than English, we must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Have your protections under VAWA been denied? If you believe we have violated these rights, you may seek help by contacting [INSERT LOCAL HUD FIELD OFFICE & CONTACT INFORMATION]

Need further help?

- For advice concerning an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3224 (TTY).
- For advice concerning sexual assault, call the National Sexual Assault Hotline at 1-800-656-4673.
- For advice concerning stalking, visit <https://victimconnect.org/> or call 1-855-4VICTIM (1-855-484-2846).
- To talk with a housing advocate, contact [ENTER CONTACT INFO FOR LOCAL ADVOCACY AND LEGAL AID ORGANIZATIONS].

Public reporting burden for this collection of information is estimated to range from 10 to 90 minutes per each housing provider's response, depending on the program. This includes time to print and distribute the form. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. This notice is required for covered housing programs under section 41411 of VAWA and 24 CFR 5.2003. Covered housing providers must give this notice to applicants and tenants to inform them of the VAWA protections as specified in section 41411(d)(2). This is a model notice, and no information is being collected. A Federal agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.