

Wayland Housing Authority

VIOLENCE AGAINST WOMEN ACT POLICY



Contents

I Purpose and Applicability	1
II Goals and Objectives	1
III Other HA Policies and Procedures.....	1
IV Definitions	2
V Admissions and Screening.....	3
VI Denial or Termination of Tenancy or Assistance	3
VII Verification.....	5
VIII Confidentiality	7
IX Transfer and Moves to New Residence	7
X Court Orders/Family Break-up	8
XI Relationships with Service Providers	8
XII Notification.....	8
XIII Relationship with Other Applicable Laws	9
XIV Amendment.....	9
Exhibit A HUD Approved Notice 5380 with HUD Approved Certification Form 5382 as attachment	10

I Purpose and Applicability

The purpose of this policy (herein called “Policy”) is to implement the applicable provisions of VAWA 2013 (Pub. L. 113–4, 127 Stat. 54). VAWA 2013 reauthorizes and amends VAWA 1994 (Title IV, sec. 40001–40703 of Pub. L. 103–322), which was previously reauthorized by VAWA 2000 (Pub. L. 106–386) and VAWA 2005 (Pub. L. 109– 162, approved January 5, 2006, with technical corrections made by Pub. L. 109–271, approved August 12, 2006) and more generally to set forth the Wayland Housing Authority’s (WHA’s) policies and procedures regarding domestic violence, dating violence, stalking and sexual assault as hereinafter defined.

Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

This Policy shall be applicable to the administration by the WHA of all its federally subsidized public housing and Section 8 rental assistance programs under the United States Housing Act of 1937 (42 U.S.C. §1437 *et seq.*).

II Goals and Objectives

This Policy has the following principal goals and objectives:

- A. Maintaining compliance, including training of appropriate staff managing the WHA properties, with all applicable legal requirements imposed by VAWA;
- B. Participating, with others, in protecting the physical safety of victims of actual or threatened domestic violence, dating violence, stalking or sexual assault who are assisted by the WHA;
- C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, stalking or sexual assault;
- D. Cooperating, with others, in formation and maintenance of collaborative arrangements between the HA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence, stalking and sexual assault who are assisted by the WHA; and
- E. Responding in accordance with WHA policies and procedures to incidents of domestic violence, dating violence, stalking, or sexual assault affecting individuals assisted by the HA.

III Other HA Policies and Procedures

This Policy shall be referenced in and attached to the HA’s Five-Year Public Housing Agency

Plan and, where appropriate, provisions consistent with this Policy shall be incorporated in and made a part of the WHA's Section 8 Administrative Plan, Admissions and Continued Occupancy Policy and other HA policies as applicable.

To the extent any provision of this policy shall contradict any previously adopted policy or procedure of the WHA, the provisions of this Policy shall prevail.

IV Definitions

As used in this Policy:

- A. *Actual and imminent threat* - refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.
- B. *Affiliated Individual* – means, with respect to an individual, a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or any individual, tenant, or lawful occupant living in the household of that individual.
- C. *Bifurcate* means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD- covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.
- D. *Domestic Violence* – *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
- E. *Dating Violence* – means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following

factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

- F. *Stalking* – means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s individual safety or the safety of others or suffer substantial emotional distress.
- G. *Sexual Assault* – means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

V Admissions and Screening

- A. *Denial of Assistance*. The WHA will not deny admission to public housing or to the Section 8 rental assistance program to any person on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, stalking, or sexual assault provided that such person is otherwise qualified for such admission.
- B. *Mitigation of Disqualifying Information*. When requested by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, dating violence, stalking and/or sexual assault, the WHA may take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, the WHA shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence, dating violence, stalking and/or sexual assault and its probable relevance to the potentially disqualifying information.

VI Denial or Termination of Tenancy or Assistance

- A. *VAWA Protections*. Under VAWA, federal public housing residents, and persons assisted under the Section 8 rental assistance program, have the following specific protections, which will be observed by the WHA in administration of its programs:
 - i. An applicant for assistance or tenant assisted under the Public Housing or Section 8 Program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.
 - ii. A tenant in under the Public Housing or Section 8 Program may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly

relating to domestic violence, dating violence, sexual assault, or stalking if: (i) The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, and (ii) The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

- iii. Construction of lease terms and terms of assistance. An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as: (1) A serious or repeated violation of a lease executed under the Public Housing or Section 8 Program by the victim or threatened victim of such incident; or (2) Good cause for terminating the assistance, tenancy, or occupancy rights under the Public Housing or Section 8 Program of the victim or threatened victim of such incident.

B. *Limitations.* The protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

- i. Nothing contained in this section shall limit any otherwise available authority of the WHA or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, stalking or sexual assault in question against the tenant or an affiliated individual of the tenant. However, in taking any such action, neither the WHA nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence, dating violence, stalking or sexual assault than that applied to other tenants.
- ii. Nothing contained in this section shall be construed to limit the authority of the WHA or a Section 8 owner or manager to evict or terminate from assistance any tenant or if the owner, manager or the WHA can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property if the tenant is not evicted or terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the standards provided in the definition of “actual and imminent threat” as defined herein. Further, such eviction or termination will occur when there are no other WHA action which may be taken to reduce or eliminate the threat.

C. *Lease Bifurcation.* Further, notwithstanding anything in Federal, State or local law to the contrary, the WHA or a Section 8 owner or manager, may bifurcate a lease or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual.

- i. Such actions shall be taken in accordance with any requirements or procedures as may be prescribed by Federal, State, or local law for

termination of assistance or leases and in accordance with any requirements under the relevant covered housing program.

- ii. This may be done without regard to whether a household member is a signatory to a lease.
- iii. This may also be done without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.
- iv. If such bifurcation occurs, and the removed tenant or lawful occupant was the tenant eligible to receive assistance under the housing program, the WHA, owner, or manager shall provide any remaining tenant a reasonable time to establish eligibility under a the same or another covered program or to find alternative housing.
- v. The reasonable time period is a period of 90 calendar days from the date of bifurcation of the lease unless statutory requirements for the covered housing program prohibit it (See vi. below). The 90-day calendar period also will not apply beyond the expiration of a lease, unless this is permitted by program regulations. The WHA may extend this 90-calendar-day period in up to an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the covered program or unless the time period would extend beyond expiration of the lease.
- vi. If the document to establish eligibility is that required to establish eligible immigration status the reasonable time period is 30 days. Specifically, Section 214 of the Housing and Community Development Act of 1980 (42 USC 1436a (d) (4)) requires that assistance under the Public Housing or Section 8 program be terminated after 30 days if the remaining family member has not submitted documentation evidencing a satisfactory immigration status or a pending appeal of a verification determination of the family members. (See VAWA Final Rule Federal Register, Volume 81, No 221 November 16, 2016, 80724, 80773.)

VII Verification

- A. *Requirement for Verification.* For those seeking protection under this Policy, the law allows the HA or a section 8 owner or manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. The W H A will require verification in all cases where an individual claims V A W A protection against an action involving such individual proposed to be taken by the WHA. Section 8 owners or managers receiving rental assistance administered by t h e W H A may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault can be accomplished in one of the following manners:

- i. *HUD-approved form* - by providing to the WHA or to the requesting Section 8 owner or manager a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD) and available from the WHA, that the individual is a victim of domestic violence, dating violence, stalking or sexual assault; that the incident or incidents in question meets the requirements of the applicable definition(s) set forth in this policy and HUD regulations. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator if the name of the perpetrator is safe to provide and is known to the victim.
- ii. *Other Document* – A document that is signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or mental health professional from whom the victim sought assistance relating to domestic violence, dating violence, sexual assault or stalking, or the effects of abuse, in which the professional states, under penalty of perjury, that he or she believes that the abuse meets the requirements of 24 CFR 5.2003. This should also be signed by the applicant or tenant.
- iii. *Record* – by providing to the WHA or to the requesting Section 8 owner or manager a Federal, State, tribal, territorial, or local law enforcement agency, court or administrative agency record describing the incident or incidents in question.
- iv. *Statement or Other Evidence* – In the event that the information set forth above cannot be obtained the WHA retains the discretion to accept other evidence it determines to be sufficient to meet the requirements of VAWA 2013 on a case by case basis.

B. *Time allowed to provide verification/failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault, and who is requested by the WHA, or a Section 8 owner or manager to provide verification, must provide such verification within 14 business days (*i.e.*, 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. Time for response will be extended upon a showing of good cause.

C. *Additional third party documentation.* If the WHA, manager, or owner receives documentation that contains conflicting information, the WHA, owner, or manager may

require an applicant or tenant to submit third-party documentation. Such third party documentation shall be provided within 30 calendar days of the date of the request for the third-party documentation.

VIII Confidentiality

Right of confidentiality. All information (including the fact that an individual is a victim of domestic violence, dating violence, stalking or sexual assault) provided to the WHA or to a Section 8 owner or manager in connection with a verification required under section VII of this policy, shall be retained by the receiving party in confidence and shall not be entered in any shared database nor provided to any other entity or individual, except where disclosure is:

- i. requested or consented to by the individual in writing in a time limited release, or
- ii. required for use in an eviction proceeding or hearing in connection with termination of Section 8 assistance, or
- iii. otherwise required by applicable law.

IX Transfer and Moves to New Residence

A. *Application for transfer.* The opportunity to transfer in Public Housing and the opportunity to relocate in voucher rental assistance programs for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is primarily described in the Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (“ETP”). The policies within the ETP shall prevail with regard to transfers and relocations in these circumstances. To the extent that said policies do not conflict with the ETP, the Section 8 Administrative Plan and the Admissions and Continued Occupancy Policy and the applicable regulations addressing transfers and relocations generally shall also apply unless an exception is required to conform with requirements under VAWA rules.

B. *Family Moves with Continued Tenant Based Assistance.* For voucher assisted families, the family may move to a new unit when the family or a member of the family, is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and the move is needed to protect the health or safety of the family or family member, or if any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family’s request to move. The HA will not terminate assistance if the family, with or without prior notification to the HA, moves out of a unit in violation of the lease, if such move occurs to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was threatened with imminent harm from further violence if he or she remained

in the dwelling unit. Further, any family member that has been the victim of a sexual assault that occurred on the premises during the 90- calendar-day period preceding the family's move or request to move is not required to believe that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit.

X Court Orders/Family Break-up

- A. *Court orders.* If a court determines the disposition of property between members of the assisted family in a Divorce or Separation under a Settlement or Judicial Decree, the HA is bound by the courts determination of which family members continue to receive assistance in the program.
- B. *Family break-up.* With the exception of X.A above, if the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the HA will ensure that the victim retains the assistance. This provision supersedes any additional policies on family break up as set forth in other administrative documents as applicable.

XI Relationships with Service Providers

It is the policy of the WHA to cooperate with organizations and entities, both private and governmental that provide shelter and/or services to victims of domestic violence, dating violence, stalking and/or sexual assault. If WHA staff become aware that an individual assisted by the WHA is a victim of domestic violence, dating violence, stalking or sexual assault, the WHA will provide the victim with written materials about such providers of shelter or services. However, and notwithstanding the foregoing, this Policy does not create any legal obligation requiring the WHA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence, dating violence stalking and /or sexual assault or to make a referral in any particular case.

XII Notification

HUD VAWA Notice and the HUD Form will be provided to participants and tenants at annual recertification or lease renewal for one year after December 16, 2016 and at the time the applicant is denied assistance or admission, at the time the individual is provided with assistance or admission and with any notification of eviction or termination of assistance.

XIII Relationship with Other Applicable Laws

Nothing in this this Policy shall be construed to supersede any provision of any Federal, State or local law that provides greater protection than that provided herein for victims of domestic violence, dating violence, stalking or sexual assault.

XIV Amendment

This policy may be amended from time to time by the WHA as approved by its Board.

Exhibit A HUD Approved Notice 5380 with HUD Approved Certification Form 5382 as attachment

**NOTICE OF OCCUPANCY RIGHTS UNDER
THE VIOLENCE AGAINST WOMEN ACT**

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
HUD 5380
Expires 06/30/2017

Wayland Housing Authority¹

Notice of Occupancy Rights under the Violence Against Women Act²

To all Tenants and Applicants:

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.³ The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **the Wayland Housing Authority's (WHA's) Public Housing and Section 8 Program** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA."

Protections for Applicants

If you otherwise qualify for assistance under **Public Housing or the Section 8 Program**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

¹ The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD's program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

² Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

³ Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Protections for Tenants

If you are receiving assistance under, **Public Housing or the Section 8 Program** you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **Public Housing or the Section 8 Program** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

The Wayland HA may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If the WHA chooses to remove the abuser or perpetrator, the WHA may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the WHA must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under

another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, the WHA must follow Federal, State, and local eviction procedures. In order to divide a lease, the WHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, the WHA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, the WHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a

reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

The WHA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families. The WHA's emergency transfer plan provides further information on emergency transfers, and the WHA must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The WHA can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from the WHA must be in writing, and the WHA must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to

provide the documentation. the WHA may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to the WHA as documentation. It is your choice which of the following to submit if the WHA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by the WHA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.

- Any other statement or evidence that the WHA has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, the WHA does not have to provide you with the protections contained in this notice.

If the WHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the WHA has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, the WHA does not have to provide you with the protections contained in this notice.

Confidentiality

The WHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

The WHA must not allow any individual administering assistance or other services on behalf of the WHA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The WHA must not enter your information into any shared database or disclose your information to any other entity or individual. The WHA, however, may disclose the information provided if:

- You give written permission to the WHA to release the information on a time limited basis.

- The WHA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the WHA or your landlord to release the information.

VAWA does not limit the WHA's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, the WHA cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if the WHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If the WHA can demonstrate the above, the WHA should only terminate your assistance or evict

you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Boston Regional Office Department of Housing and Urban Development, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Third Floor, Boston, MA 02222-1092.

For Additional Information

You may view a copy of HUD's final VAWA rule at **<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>**

Additionally, THE WHA must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact Brian Boggia, WHA Executive Director at (508) 655 - 6310 x11.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact Journey to Safety, Office Phone: 781-647-5327 or REACH Beyond Domestic

Violence, Office Phone: 781-891-0724, Hotline Phone: 800-899-4000.

For tenants 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>.

For help regarding sexual assault, you may contact Journey to Safety, Office Phone: 781-647-5327 or REACH Beyond Domestic Violence, Office Phone: 781-891-0724, Hotline Phone: 800-899-4000 or you 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/>.

Victims of stalking seeking help may contact Journey to Safety, Office Phone: 781-647-5327 or REACH Beyond Domestic Violence, Office Phone: 781-891-0724, Hotline Phone: 800-899-4000.

Attachment: HUD Certification form 5382

**CERTIFICATION OF
DOMESTIC VIOLENCE,
DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING,
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing
and Urban Development**

HUD 5382
OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This 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.