

BACKGROUND

The Violence Against Women Act (VAWA) of 2005 is an amended version of the 1994 VAWA which provides new protections for victims of domestic violence, dating violence, or stalking. These protections include provisions protecting victims who live in public housing or who are receiving housing assistance under the federal housing voucher program. The information contained in this brochure is intended to inform you of your rights and responsibilities under VAWA.

DEFINITIONS

“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 cohabitating with or has cohabitated 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.*

“Dating Violence” – *The term ‘dating violence’ means violence committed by a person “(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.”*

“Stalking” – *The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to “(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.”*

What Protections Are Provided by VAWA?

There are two areas of protection for those persons seeking or receiving assistance under the federally funded public housing program or voucher program.

1. Denial of Assistance – The law provides that you cannot be denied assistance because you are a victim of domestic violence, dating violence, or stalking if you are otherwise qualified to receive such assistance.
2. Termination of Tenancy or Assistance – The law further protects those who are currently receiving federal housing assistance from losing assistance or housing solely on the basis of their status as a victim of domestic violence, dating violence, or stalking.

In summary, VAWA prevents housing agencies and owners from considering actual or threatened domestic violence, dating violence, or stalking as a cause for terminating the tenancy, occupancy, or program assistance of the victim. Such violence or stalking may not be considered (1) as a serious or repeated violation of the lease by the victim, (2) as other good cause for terminating the tenancy or occupancy rights of the victim, or (3) as criminal activity justifying the termination of the tenancy, occupancy rights, or program assistance of the victim.

What About the Perpetrator?

If the perpetrator is a member of the victim’s household, the agency administering the voucher or public housing programs has the authority to require the individual to leave the household as a condition of providing continued assistance

to the remaining members of the family. Additionally, if state law allows, the housing agency has the authority to bifurcate a lease, or divide it into two parts to deal with family members who engage in criminal acts of physical violence against family members or others. Bifurcation would allow the housing agency or owner to take eviction or termination action against a perpetrator of physical violence without penalizing the victim.

What Are the Limitations of VAWA?

Housing agencies and owners retain the authority to terminate the tenancy, occupancy, or program assistance of a victim under either of the following conditions:

1. The termination is for a lease violation premised on something other than an act of domestic violence, dating violence, or stalking against the victim and the housing agency or owner is holding the victim to a standard no more “demanding” than the standard to which other tenants are held.
2. The housing agency or owner can demonstrate an “actual and imminent threat to other tenants or those employed at or providing service to the property” if the tenancy, occupancy, or program assistance of the victim is not terminated.

FOR ADDITIONAL INFORMATION ON VAWA

*National Domestic Violence Hotline
1-800-799-SAFE (7233)
1-800-787-3224 (TTY)
<http://www.ndvh.org/>

*HUD Housing Discrimination Hotline
1-800-669-9777

*For Complete text of VAWA see Public Law 109-162
(Specifically refer to Title VI, Sections 606 and 607)

CERTIFICATION OF VICTIM STATUS

VAWA gives housing agencies and owners the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence. However, the Act also permits housing agencies and owners to request that victims attest to their status by signing a HUD-approved certification form. The form must meet the following standards:

1. It must require the individual signing it to certify that she or he is the victim of "bona fide" incidents of actual or threatened domestic violence, dating violence, or stalking, as defined and described in VAWA.
2. It must include the name of the perpetrator.
3. It must be provided within 14 business days unless the housing agency or owner requesting the form extends the deadline.

VAWA provides the victim the alternative of providing the housing agency or owner one of the following types of documentation:

1. A local police or court record
2. Documentation signed by a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking. The signer must attest under penalty of perjury (a) that the abuse the victim has suffered is a bona fide incidence of domestic violence, dating violence, or stalking and (b) that the victim has signed or approved the documentation.

Failure on the part of the victim to provide certification within the allotted time voids the protections provided by VAWA.

CONFIDENTIALITY

Any information or documentation provided to a housing agency or owner by a victim of domestic violence, dating violence, or stalking must be kept in confidence. No information or documentation may be (a) entered into any shared databases or (b) disclosed to "any related entity" except under the following conditions:

1. The victim requests or consents to the disclosure in writing.
2. The disclosure is required for use in an eviction proceeding.
3. The disclosure is otherwise required by applicable law.

Disclaimer

Housing Forms, Inc., has prepared this brochure for informational purposes only. It should not be used as a legal guide. If you have specific legal questions concerning your unique situation, you should consult an attorney, legal aid, or an official agency qualified to assist you.

For information in your area:

Rosenberg Housing Authority
117 Lane Drive, Suite 18
Rosenberg, TX 77471
(281) 342-1456 Phone
(281) 232-2920 Fax

VIOLENCE AGAINST WOMEN IN FEDERALLY FUNDED RENTAL ASSISTED HOUSING



*Learn About Your Rights
as a Victim of
Domestic Violence*