

APPENDIX J

POLICY ON PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE ("VAWA POLICY")

I. Purpose

The Public Housing Agency of the City of Saint James(PHA) has adopted this policy in compliance with the "Violence Against Women and Justice Department Reauthorization Act of 2005" ("VAWA" or "the Act", P.L. 109-162), a federal law that provides protections for victims of domestic violence, dating violence and stalking. The PHA will comply with all applicable provisions of VAWA. This summary of VAWA protections is not intended to limit the rights of victims provided by the Act.

The PHA notes and supports the statements of Congressional purpose set forth in VAWA including those listed below (paraphrased from the statute).

The purpose of this subtitle (Title VI, Housing Opportunities and Safety for Battered Women and Children) is to

- Reduce domestic violence, dating violence, sexual assault and stalking; and protect victims of such criminal acts;
- Prevent homelessness caused by domestic violence;
- Create long-term housing solutions for victims of domestic violence;
- Build collaborations among victim service providers, homeless service providers, housing providers and housing agencies to address the housing needs of victims of domestic violence; and
- Enable public and assisted housing agencies, private landlords, private management companies and other housing providers and agencies to respond appropriately to domestic violence, while maintaining a safe environment for all housing residents.

II. Protection of Victims

- A. For the purpose of this policy, the term "domestic violence" encompasses acts or threats of domestic violence, dating violence, sexual assault and stalking, as those terms are defined in VAWA.
- B. VAWA protects qualified applicants or tenants and family members of applicants or tenants who are victims of domestic violence, dating violence, or stalking from being denied, evicted or terminated from housing assistance based solely on criminal acts of domestic violence against them. Criminal acts of domestic violence shall not be considered "serious or repeated lease violations" by the victim or "criminal activity" by the victim that is grounds for termination of the lease or of housing assistance.

- C. VAWA protections are available to both applicants for and recipients of housing assistance through the Public Housing program.
- D. VAWA protects both women and men who are victims of domestic violence.
- E. The protections provided by VAWA and this policy are to be observed and enforced by all PHA staff.
- F. VAWA does not limit the authority of the PHA or a property owner or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.

III. Certification

- A. PHA May Request Certification. If an applicant, public housing resident claims protection under VAWA against denial of an application, termination of tenancy or assistance, or other adverse action, the PHA may require the person who claims the VAWA protections to deliver a signed certification or other documentation concerning the incident or incidents. If the person does not deliver this certification within the time allowed, he or she will lose the legal protections under VAWA.
- B. Acceptable Forms of Certification. There are three ways to comply with a certification request by the PHA:
 - i. Complete a certification form approved by HUD (Form HUD-50066 or other approved form);
 - ii. Provide a police report or court record;
 - iii. Provide a document signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking.
- C. Self-Certification; Request for Additional Information. The PHA may accept self-certification by the person claiming to be a victim within the protection of VAWA. If the PHA has reason to believe the information provided in the certification is inaccurate or incomplete in material respects, the PHA may request additional information, also certified or attested.
- D. Perjury. The certification must state that the victim and any other person signing it or providing documentation are doing so under penalty of perjury (28 U.S.C. 1746).
- E. Time limit. The applicant or public housing resident must deliver the certification in one of these three ways within 10 calendar days after receiving the housing authority's request for certification.

IV. Confidentiality

Information provided by an applicant or resident about an incident or incidents of domestic violence, dating violence or stalking involving that person or a member of the household will be held by the PHA in confidence and not shared without the consent of the person who provided the information, except that this information may be disclosed in an eviction proceeding or otherwise as necessary to meet the requirements of law.

V. **Notices:** The PHA will provide notices explaining the VAWA protections to applicants for housing and to public housing residents.

VI. **Leases; Bifurcation or Splitting of Leases:** As required by VAWA, the public housing lease addendum shall provide that the PHA or a property owner may bifurcate or divide a lease to remove a household member who engages in criminal acts of physical violence against family members or others.

The PHA will revise the public housing lease to include provisions required by VAWA. For the interim period before the new lease can be signed by all tenants, the PHA will provide a lease addendum applicable to all leases.

VII. Rights of PHA and Property Owners to Evict or Terminate Assistance

A. **Eviction for reasons other than domestic violence.** VAWA specifically preserves the rights of the PHA and property owners to deny or terminate housing assistance to a victim of domestic violence for reasons other than the criminal activity related to the domestic violence, provided that no higher standard is applied.

B. **Failure to Submit Certification after Request by PHA.** If the person claiming to be a victim within the protection of VAWA fails to deliver the certification or other documentation within 14 business days after receiving the PHA's request, that person loses the legal protections under VAWA.

C. **Imminent and Actual Threat.** VAWA specifically preserves the rights of the PHA and property owners to evict or terminate from assistance any tenant or household member if the PHA or the owner or manager can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.

VIII. POLICY DISTRIBUTION AND TRAINING

This Policy will be included in the Admission and Occupancy Policies for the Public Housing Program as Appendix K. It will also be:

1. Available in PHA Management Office.
2. Explained in orientation and training sessions for supervisors and other staff who have regular contact with applicants and/or public housing residents.