TAMC TSP update- 5/16/17 (Add to TSP)

**VIOLENCE AGAINST WOMEN ACT (VAWA)**

The Violence against Women Act and Department of Justice Reauthorization Act of 2005, Public Law 109-162, referred to (VAWA) prohibits project-based Section 8 Owner/Agents from denying admission or termination of rental assistance to any person simply because s/he has been a victim of domestic violence, sexual assault, dating violence, and/or stalking- collectively referred to as “VAWA crimes” on page 80724 of the VAWA Final Rule.

The law protects victims as well as affiliated persons, of an incident of violence that is reported and confirmed. Under this act:

1. A potential tenant who certifies they were the victim of domestic violence would be

allowed to be admitted even with poor landlord evaluations, if they can prove the

cause of these negative factors was due to VAWA crime.

2. It assures that victims of domestic violence, sexual assault and etc. can have access

to the criminal justice system without facing eviction.

3. Where one household member is abusive to other members of the household, only

the abuser may be evicted.

4. Tenants facing violence can be allowed early termination, for a matter of safety.

5. If Landlord can show an actual and imminent threat to other tenants or those

employed at or providing service to the property if an unlawful tenant’s residency is

not terminated, then evicting a victim is an option, the VAWA notwithstanding.

6. Landlord must retain in confidence all documentation relating to the identity of the

victim and all information relating to the incident(s) in a separate and secure location, other than tenant files.

Per the VAWA final rule, posted to the Federal Register November 16, 2016, the Notice of Occupancy Rights under the Violence Against Women act (Form 5380) and the Certification of Domestic Violence (Form 5382) are to be provided to all of the following:

* At the time an applicant is denied
* At the time an individual is admitted
* At notification of an eviction
* At notification of termination (assistance or tenancy)

HUD Lease Addendum (Form HUD 91067)

This addendum revises the lease to reflect the statutory requirements of the VAWA that are related to project-based Section 8 assistance programs.

Notice of Occupancy Rights, form HUD-5380

This notice explains your rights under VAWA. This notice is to be provided with the HUD 5382 form.

Certification of Domestic Violence, Dating Violence or Stalking, form HUD-5382

Landlord may request a tenant to certify that he/she is a victim of domestic violence, dating violence or stalking and the incidence(s) of threatened or actual abuse are bona fide in determining whether the protections afforded under the VAWA are applicable.

VAWA Emergency Transfer Plan

In accordance with the Violence Against Women Act (VAWA),[[1]](#footnote-1) **“The Community”** allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.[[2]](#footnote-2)

The VAWA Emergency Transfer plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security.

**“The Community”** cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. Hazelcrest apartments will act as quickly as possible. If a tenant reasonably believes a proposed transfer would not be safe and refuses the offer, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. **“The Community”** may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

**“The Community”** will keep confidential any information that the tenant submits in requesting an emergency transfer and information about the emergency transfer. Unless, the tenant gives **“The Communities”** written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program.

The entire **“Communities”** Violence Against Women Act Emergency Transfer Plan and TAMC VAWA policy is available in the management office. Contact Staff to attain a copy.

1. Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)