

party or corroborating evidence of the abuse such as police reports or court records. Such certification must include the name of the perpetrator. If you do not provide the requested certification within 14 business days after receiving the written request for the information, your request for relief may be denied.

### CONFIDENTIALITY

Any information provided pursuant to the Violence Against Women Act (VAWA) shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is requested or consented to by the individual in writing; required for use in an eviction proceeding of an abuser, stalker or perpetrator of domestic violence; or is otherwise required by applicable law.

### STATE AND LOCAL LAWS

Some states have passed laws impacting applicants, tenants, owners and landlords that are more stringent than requirements of the Federal Violence Against Women Act (VAWA). Many states have related laws pending. You may want to check with your state and/or city for the most current state and local laws protecting victims of domestic violence, dating violence, sexual assault or stalking.

# V I O L E N C E A G A I N S T W O M E N A C T

## What Applicants, Tenants, Owners and Landlords Need to Know

Applicable to Public Housing,  
Section 8 Project-Based Housing  
and Section 8 Housing Choice  
Voucher Programs

*Final Rule Effective  
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## WHO IS PROTECTED BY THE VIOLENCE AGAINST WOMEN ACT (VAWA)?

VAWA applies to applicants and tenants in public housing, Section 8 project-based assistance, and the Housing Choice Voucher Program. VAWA covers both male and female victims of domestic violence, dating violence, sexual assault and stalking. Protection is extended to the entire household, except for the abuser or perpetrator.

## APPLICANTS

An applicant cannot be denied admission to a covered program based solely on being a victim of domestic violence, dating violence, sexual assault or stalking if he/she otherwise qualifies for assistance or admission. All applicants must, at a minimum:

- meet the Public Housing Agency (PHA) definition of "family";
- be income eligible;
- have at least one family member who is a U.S. citizen or has eligible immigration status;
- meet PHA's criminal background screening criteria;
- have no outstanding debt to the PHA;
- provide Social Security numbers for all household members, and
- meet all other local screening criteria.

Some, but not all, PHAs give a preference to victims of domestic violence, dating violence, sexual assault or stalking. If you are a victim, ask if the PHA gives this preference.

## TENANTS OF PUBLIC HOUSING AND PROJECT-BASED SECTION 8 PROGRAMS

The PHA may not remove or terminate assistance based solely on an incident or threat of domestic violence, dating violence or stalking. Reporting incidents to law enforcement, victim's rights advocates, and the PHA may help preserve your housing rights.

To escape an abuser, you may be allowed to move with continued assistance. If the abuser is in your home, your lease may be bifurcated. This means that assistance to the perpetrator may be terminated, allowing other household members to remain in the dwelling unit or to continue to receive housing assistance.

VAWA does not limit the authority of the PHA or a Section 8 owner/landlord to terminate assistance for repeated lease violations, other criminal activity or good cause. When an actual and imminent threat exists for other tenants or those employed or providing service to the property, the PHA may evict if other reasonable steps, such as barring the perpetrator from the property, contacting local law enforcement or pursuing other legal remedies, are not effective.

## SECTION 8 HOUSING CHOICE VOUCHER PROGRAM (HCVP)

A participant who is a victim of domestic violence, dating violence or stalking may move even if the lease has not ended and keep his/her voucher. You must be able to verify that it was necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence or stalking and who reasonably believed he/she was threatened with imminent harm if he/she remained in the dwelling unit. If the perpetrator is a member of the household, he/she must be removed from the original voucher and will not receive a new voucher. Such a move does not relieve the family of any financial obligations under the original lease.

If the victim does not want to move, the lease may be bifurcated by the owner, removing the perpetrator from the lease.

A victim protected under VAWA must comply with all program obligations. The PHA, owner or landlord retains the right to evict or terminate assistance for serious or repeated violations of the lease, criminal activity or good cause.

## DOCUMENTATION

In processing a request by a victim for protection under VAWA, the PHA may request certification or written evidence to demonstrate that the violence occurred. This documentation requirement may be met by providing a completed HUD-approved certification form, a written verification of the abuse signed by a third