

VAWA OF 2013  
POLICY

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## **VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT 2013 (VAWA) POLICY**

### **INTRODUCTION**

The Violence Against Women Reauthorization Act of 2013 (VAWA) protects applicants, residents, participants and affiliated individuals who are victims of domestic violence, dating violence, sexual assault, and stalking (collectively VAWA crimes) from being denied housing assistance, evicted or terminated from housing assistance based on acts of such violence.

VAWA expands remedies for victims of VAWA crimes by requiring housing agencies (HAs) to have an emergency transfer plan and permit for bifurcation of a lease. This will allow reasonable time for tenants to establish eligibility for assistance under a VAWA-covered program or to find new housing when an assisted household must be divided as a result of the violence or abuse covered by VAWA.

This Policy is required by the Violence Against Women Reauthorization Act of 2013 and contains all the mandatory protections and remedies afforded to applicants, residents, participants, and affiliated individuals who are victims of domestic violence, dating violence, sexual assault, and stalking.

For the purposes of the Violence Against Women Reauthorization Act 2013 Policy, the term "tenant" shall refer to an assisted family and the members of the household on their lease, but does not include guests or unreported members of a household. In addition, a live-in aide or caregiver is not a tenant, unless otherwise provided by program regulations, and cannot invoke VAWA protections.

### **OBJECTIVES**

The Housing Authority of the City of Luling (hereinafter referred to as PHA), in an effort to maintain a safe environment for applicants, tenants, PHA employees, PHA contractors, and others who may be affected by a VAWA crime, shall establish policies and procedures to implement the provisions of the Violence Against Women Reauthorization Act of 2013 in compliance with Fair Housing Act and Equal Opportunities (FHEO), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), HUD regulations/notices, the PHA Plan, the Admission to and Occupancy of Public Housing (ACOP), the Section 8 HCVP Administrative Plan, and State and local housing laws.

The PHA will maintain compliance with all applicable requirements of VAWA and assist in reducing domestic violence, dating violence, sexual assault, stalking, and homelessness by:

- Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault, or stalking;
- Creating and maintaining collaborative partnerships between the PHA, victim service providers, law enforcement authorities, and other supportive groups to promote the safety and well-being of victims of domestic violence, dating violence,

sexual assault, or stalking (whether actual or imminent threat) who are assisted by the PHA;

- Protecting the physical safety of victims of domestic violence, dating violence, sexual assault, or stalking (whether actual or imminent threat) who are assisted by the PHA;
- Responding appropriately to incidents of domestic violence, dating violence, sexual assault, or stalking, affecting families or individuals assisted by the PHA.

## APPLICABILITY

The VAWA Policy shall be applicable to the following HUD programs (hereinafter referred to as covered housing programs):

- Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
- Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.
- Housing Opportunities for Persons with AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.
- HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.
- Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).
- Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.
- Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.
- HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).
- The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).

The regulations the 24 Code of Federal Regulations (CFR) Part 5, subpart L, are supplemented by the specific regulations for the HUD-covered housing programs. The program-specific regulations address how certain VAWA requirements are to be implemented and whether they can be implemented for the applicable covered housing program, given the statutory and regulatory framework for the program. When there is conflict between the regulations of 24 CFR Part 5, subpart L and the program-specific regulations, the program-specific regulations govern.

Where assistance is provided under more than one covered housing program and there is a conflict between VAWA protections or remedies under those programs, the individual seeking the VAWA protections or remedies may choose to use the protections or remedies under any or all of those programs, as long as the protections or remedies would be feasible and permissible under each of the program statutes.

## **VAWA POLICY PROVISIONS**

### **A. VAWA Protections**

Only tenants who are assisted by the PHA can invoke the VAWA protections that apply solely to tenants. However, an individual is entitled to VAWA protections if the individual is an applicant for PHA housing assistance.

Nondiscrimination and Equal Opportunity Requirements: VAWA protections are not limited to women but apply to all victims of domestic violence, dating violence, sexual assault and stalking regardless of sex, gender identity, or sexual orientation.

Consistent with the nondiscrimination and equal opportunities requirements, victims cannot be discriminated against on the basis of any protected class, including race, color, national origin, religion, sex, familial status, disability, or age.

Consistent with HUD's Equal Access Rule, HUD-assisted and HUD-insured housing are to be made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

VAWA protections also apply when the victim and perpetrator are of the same sex. VAWA protections are provided to victims regardless of citizenship or immigration eligibility.

Self-Petitioners: Section 214 of the Housing and Community Development Act of 1980 states that HUD may not allow financial assistance to ineligible non-citizens, but assistance must not be denied while verifying immigration status.

VAWA also provides protections for "self-petitioners" who are noncitizens and claim to be victims of "battery or extreme cruelty" by their spouse or parent who is a U.S. citizen or lawful permanent resident (LPR). VAWA covers the following types of battery or extreme cruelty: domestic violence, dating violence, sexual assault, and stalking.

Self-petitioners can indicate that they are in "satisfactory immigration status" when applying for assistance or continued assistance from a Section 214 covered housing provider. "Satisfactory immigration status" means an immigration status which does not make the individual ineligible for financial assistance. After the PHA verifies the

immigration status in the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) System, the PHA will make a final determination as to the self-petitioner's eligibility.

Housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of the LPR status is made.

If the final determination is to deny the VAWA self-petitioner or the LPR petition, the PHA will alert the petitioner and take actions to terminate the voucher assistance or evict the petitioner from public housing in accordance with existing PHA public housing requirements.

Live-In Aides: Live-in aides are entitled to VAWA protections if the live-in aid is an applicant for PHA housing assistance. Live-in aides could be an affiliated individual of a tenant and if the live-in aide as an affiliated individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The tenant with whom the affiliated individual is associated cannot be evicted or have assistance terminated on the basis that the affiliated individual was a victim of a VAWA crime.

#### **B. Notification of Occupancy Rights and Certification Form Requirements**

The Notice of Occupancy Rights Under the Violence Against Women Act (Form HUD-5380) explains the VAWA protections including, the rights to confidentiality and any VAWA protection limitations to applicants, tenants, and affiliated individuals.

The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation (Form HUD-5382) is to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault, or stalking that:

- States that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;
- States that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection meets the applicable definition for such incident; and
- Includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide.

The PHA will provide each applicant and tenant the Notice of Occupancy Rights and the Certification Form at each of the following times:

- At the time the applicant is denied assistance or admission;
- At the time the individual is provided assistance or admission;
- With any notification of eviction or notification of termination of assistance; and
- During the 12-month period following December 16, 2016, either during the annual recertification or lease renewal process, whichever is applicable, or, if there will be no recertification or lease renewal for a tenant during the first year

after December 16, 2016, through other means, including but not limited to assisted housing briefing materials, PHA notices/newsletters, and/or websites.

In accordance with Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency), the PHA shall make available The Notice of Occupancy Rights and the Certification Form in multiple languages.

The PHA will include a description of the VAWA protections afforded to victims of VAWA crimes in HUD-required leases, lease addendums, or tenancy addendums as applicable.

#### **C. Denial of Admission, Termination of Assistance or Eviction**

The PHA will not deny admission to, deny assistance under, terminate from participating in, or evict from housing on the basis or as direct result of the fact that an 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.

Criminal Activity: The PHA will not deny tenancy or occupancy rights to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:

- 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
- 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.

Incidents of Actual or Threatened VAWA Crimes: The PHA will not consider an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking as:

- A serious or repeated violation of a lease executed by the victim or threatened victim of such incident; or
- Good cause for terminating the assistance, tenancy, or occupancy rights of the victim or threatened victim of such incident.

The PHA will deny admission or assistance to any member of the applicant household who is a perpetrator of domestic violence, dating violence, sexual assault, or stalking.

In adopting local standards, supportive of or in addition to the mandated reasons for denial of admission, the PHA will deny admission or assistance to an individual in the applicant family whose screening process provides relevant information reflecting a history of crimes involving domestic violence, dating violence, sexual assault, stalking, or other crimes of physical violence to persons or property.

#### **D. Confidentiality**

The PHA will retain in the strictest confidence all information pursuant to VAWA including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking.

The PHA will not allow any individual administering assistance on behalf of the PHA, in the employ of the PHA, or any persons contracted by the PHA to have access to confidential information unless it is explicitly necessary for these individuals to have access to the information under applicable Federal, State, or local law.

The PHA will not enter the VAWA confidential information into any shared database or disclose the information to any other entity or individual, except to the extent that the disclosure is:

- Requested or consented to in writing by the individual in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- Otherwise required by applicable law.

#### **E. Certification of Claim of a VAWA Crime**

If an applicant or tenant claims to be a victim of domestic violence, dating violence, sexual assault, or stalking and is entitled to the VAWA protections or remedies, the PHA may request, in writing, that the applicant or tenant submit any one of the following as documentation of domestic violence, dating violence, sexual assault, or stalking. It is at the discretion of the applicant or tenant as to which one of the following forms of documentation to submit:

- The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation (Form HUD-5382); or
- A document:
  - Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or mental health professional (collectively "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
  - Signed by the applicant or tenant; and
  - That specifies, under penalty of perjury, that the professional believes in the occurrence of an incident of domestic violence, dating violence, sexual assault, or stalking that is the grounds for protection and remedies and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking; or
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- At the discretion of the PHA, a statement or other evidence provided by the applicant or tenant.

If the PHA does not receive the documentation requested within 14 business days after the applicant or tenant received the request in writing for the documentation from the PHA, the PHA may

- Deny admission by the applicant or tenant;
- Deny assistance to the applicant or tenant;



- Terminate the participation of the tenant; or
- Evict the tenant or a lawful occupant that commits a violation of a lease.

The PHA at its discretion may extend the 14-business-day deadline.

If the PHA receives documentation that contains conflicting information (including certification forms from two or more members of a household with each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the PHA may require the applicant or tenant to submit third-party documentation within 30 calendar days of the date of the request for the third-party documentation.

**Note:** The PHA is not required to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

#### **F. Family Break-Ups and VAWA**

The PHA will determine which family members continue to receive assistance if the family breaks up. If the family breaks up as a result of an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA will ensure that the victim retains the assistance.

Other policies regarding family break-up are contained in the PHA's public housing Admissions and Continued Occupancy Policy (ACOP) and the Section 8 HCV Administrative Plan.

#### **G. Limitations of VAWA Protections**

The tenant may invoke VAWA protections on more than one occasion and the PHA will not subject additional conditions that would adversely affect the tenant's tenancy because they have invoked VAWA protections. There are no limitations on the number of occasions a victim can invoke VAWA protections.

The PHA will comply with a court order in respect to:

- The rights of access or control of property, including cooperating with law enforcement to enforce civil protection orders issued to protect the victim of domestic violence, dating violence, sexual assault, or stalking; or
- The distribution or possession of property among members of the household.

The PHA may evict or terminate assistance to a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. The PHA will not subject the tenant who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other tenants when determining whether to evict or terminate assistance.

The PHA may terminate assistance or evict a tenant if the PHA can demonstrate an actual and imminent threat to other tenants, PHA employees, or those employed at or

providing services to the PHA would of be present if that tenant or lawful occupant is not terminated from assistance or evicted. An 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. Words, gestures, actions or other indicators can be considered an actual and imminent threat. In determining whether an individual would pose an actual and imminent threat, the PHA will consider the following factors:

- 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 will occur.

The PHA will utilize termination of assistance or eviction only when there are no other actions the PHA can employ to reduce or eliminate the threat, including but not limited to transferring the victim to a different unit, barring the perpetrator from the property, and contacting law enforcement in order to keep the property safe to prevent the perpetrator from acting on a threat.

The PHA will terminate tenancy or assistance, or refuse to renew a lease or assistance, to any household member who is the perpetrator of domestic violence, dating violence, sexual assault, stalking, or who engages in criminal acts of physical violence against family members or others.

#### **H. Removal of Perpetrator (Lease Bifurcation)**

Notwithstanding any restrictions on admission, occupancy, or terminations of occupancy or assistance, or Federal, State, or local law to the contrary, the PHA 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 a member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual.

The PHA may bifurcate a lease without regard to whether a household member is a signatory to the lease and without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

The PHA's dwelling lease shall contain provisions for eviction, removal, termination of occupancy rights, or termination of assistance in accordance with the procedures prescribed by Federal, State and local law applicable to terminations of tenancy and evictions. The Tenancy Addendum (Form HUD-52641-A) shall be attached to all leases for dwelling units occupied by PHA-assisted families in the HCV program.

The PHA retains all rights to add the name of the perpetrator to its "Banned and Criminal Trespass" list that is provided to the local law enforcement.

**I. Reasonable Time to Establish Eligibility for Assistance or Find Alternative Housing Following Bifurcation of Lease**

If the PHA exercises the option to bifurcate the lease and the individual who was evicted or for whom the assistance was terminated was the eligible tenant, the PHA shall provide to any remaining tenant or tenants that were not already eligible a period of 90 calendar days from the date of bifurcation of the lease to:

- Establish eligible immigration status; or
- Establish eligibility under another housing program; or
- Find alternative housing.

The 90-calendar-day period is the total period provided to the remaining tenants to establish eligible immigration status. The 90-calendar-day period will not be available to a remaining household member if prohibited by statutory requirements. The 90-day-calendar period will not apply beyond the expiration of the lease unless permitted by program regulation.

The PHA may extend the 90-calendar-day period up to an additional 60 calendar days unless the PHA is prohibited from doing so due to regulations or unless the time period would extend beyond the expiration of the lease.

**J. Emergency Transfer Plan (ETP)**

The PHA's Emergency Transfer Plan addresses situations that involve significant risk to tenants who are, have been, or reasonably believe they will be victims of domestic violence, dating violence, sexual assault, or stalking. The PHA may approve an emergency transfer for tenants, regardless of sex, gender identity or sexual orientation, to move from their current unit to a "safe unit." A safe unit is a unit the victim of domestic violence, dating violence, sexual assault, or stalking believes to be safe.

The ability of the PHA to honor the request for an emergency transfer depends upon a preliminary determination that:

- The tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking; and
- Whether the PHA has another unit that is available and is safe to offer the tenant for temporary or permanent occupancy.

The Emergency Transfer Plan provides that a tenant receiving rental assistance through or residing in a unit subsidized under the PHA who is a victim of domestic violence, dating violence, sexual assault, or stalking will qualify for an emergency transfer if:

- The tenant expressly requests the transfer (Form HUD-5383, Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking); and
- The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or

- In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

The tenant who is a victim of sexual assault may make an imminent harm request regardless of when or where the sexual assault occurred, and the PHA may permit more than 90 calendar days from the date of the sexual assault.

The PHA cannot guarantee that the emergency transfer request will be approved or how long it will take to process the request for an emergency transfer. The PHA will act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of the unit. If the tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit.

The tenant may qualify for either an internal emergency transfer or external transfer.

- An internal emergency transfer is the relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
- An external emergency transfer is the relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.

The tenant may seek an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.

If a safe 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 PHA will not transfer the tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the PHA does not have a safe and available unit for a tenant requesting an emergency transfer, the PHA will assist the tenant in identifying other housing providers who may have a safe and available unit to which the tenant could move. At the tenant's request, the PHA will assist the tenant in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

VAWA strict confidentiality measures are included in the Emergency Transfer Plan so as not to disclose the location of the new unit to the abuser.

The PHA will make the Emergency Transfer Plan available upon request and, when feasible, make the Plan publicly available.

The PHA will keep a record of all emergency transfers requested under its Emergency Transfer Plan and the outcome of the requests. The PHA shall retain these records for a period of three (3) years or for a period of time as specified by program regulations. The PHA must report the requests and outcomes to HUD annually. The PHA will provide reasonable accommodation for individuals with disabilities.

An emergency transfer request must not be construed to supersede any PHA eligibility or other occupancy requirements.

**K. PHA Relationships with Service Providers**

The PHA will seek and establish partnerships with private, governmental, and victim advocacy organizations which provide counseling, shelter, and/or services to victims of domestic violence, dating violence, sexual assault, or stalking.

In its efforts to maintain a safe environment for its tenants, the PHA will become familiar with other housing providers that provide both private market units or other government-assisted units, not solely HUD-assisted units, that can be used to assist victims of domestic violence, dating violence, sexual assault, or stalking to move quickly.

**L. PHA's Safety and Crime Prevention Measures**

The PHA will include in its 5-Year Plan a statement of the goals, activities, objectives, policies, or programs that will enable the PHA to serve the needs of victims of domestic violence, dating violence, sexual assault, or stalking.

The PHA will include in its Annual Plan a statement of any domestic violence, dating violence, sexual assault, and stalking prevention programs and descriptions of any activities, services, or programs provided or offered by the PHA, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking that:

- Help victims of domestic violence, dating violence, sexual assault, or stalking obtain or maintain housing;
- Prevent domestic violence, dating violence, sexual assault, or stalking; or
- Enhance victim safety in assisted housing.

**M. Relationship with Other Applicable Laws**

Neither the Violence Against Women Reauthorization Act of 2013 (VAWA) nor the VAWA Policy adopted by the PHA shall preempt or supersede any provision of Federal, State, or local law that provides greater protections than that provided under VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.

**N. Changes in Laws and Regulations**

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Policy, automatically supersede this Policy.

The PHA will revise this Policy periodically as approved by the PHA Board of Commissioners.

## DEFINITIONS

### 1937 Act

The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

### 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.

### Affiliated Individual

- A spouse, parent, brother, sister, or child of that individual, or a person 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.

### Applicant

A person or a family that has applied for housing assistance.

### Available Unit

A unit that is not occupied and is available to tenants per program requirements, eligibility, unit restrictions, and term limitations.

### Covered Housing Provider

Refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

### Bifurcate

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.

### Covered Housing Programs

- Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
- Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.

- Housing Opportunities for Persons With AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.
- HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.
- Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).
- Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.
- Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.
- HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).
- The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).

#### **Dating Violence**

- 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.

#### **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.

**External Emergency Transfer**

An emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit.

**Fair Housing Act**

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

**Family**

Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

A group of persons residing together, and such group includes, but is not limited to:

- A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family; and
- The remaining member of a tenant family.

**Gender Identity**

The gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender-related characteristics, or sex assigned to the individual at birth or identified in documents.

**Guest**

A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

**Household**

The family and PHA-approved live-in aide and/or foster children/adults.

**HUD**

The Department of Housing and Urban Development

**Internal Emergency Transfer**

An emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.

**Live-In Aide**

A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:



- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

**Other Person under the Tenant's Control**

The person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

**Premises**

The building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

**Public Housing**

Housing assisted under the 1937 Act, other than under Section 8. "Public housing" includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating assistance.

**Public Housing Agency (PHA)**

Any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

**Perpetrator**

Perpetrator means a person who commits an act of domestic violence, dating violence, sexual assault, or stalking against a victim.

**Reasonable Belief of Imminent Harm**

It does not matter when the initial act occurred if the current belief of the victim of a threat of imminent harm is reasonable.

**Responsible Entity**

For the public housing program and the Section 8 HCV (tenant-based assistance) program, responsible entity means the PHA administering the program under an Annual Contributions Contract with HUD.

**Safe Unit**

A unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

**Satisfactory Immigration Status**

An immigration status which does not make the individual ineligible for financial assistance.

**Sexual Assault**

Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**Stalking**

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.

**Sexual Orientation**

One's emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality).

**Tenant**

An assisted family and the members of the household on their lease, but does not include guests or unreported members of a household. A live-in aide or caregiver is not a tenant, unless otherwise provided by program regulations, and cannot invoke VAWA protections.

**VAWA**

The Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

**VAWA Crimes**

Domestic violence, dating violence, sexual assault, or stalking.

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

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

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): \_\_\_\_\_

<p>In your own words, briefly describe the incident(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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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.

**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING**

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

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

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

**The requirements you must meet 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. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- (2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.
- (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 submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. 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 or an emergency transfer to you. 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 PERSON REQUESTING A TRANSFER**

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_  
\_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_  
\_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_  
\_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. \_\_\_\_\_

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.  
\_\_\_\_\_  
\_\_\_\_\_

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: \_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. 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) \_\_\_\_\_

## **LULING HOUSING AUTHORITY**

### **Notice of Occupancy Rights under the Violence Against Women Act<sup>1</sup>**

#### **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.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Luling Housing Authority** 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** 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.

#### **Protections for Tenants**

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<sup>1</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> 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.

If you are receiving assistance under **public housing** 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** 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**

HP 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 HP chooses to remove the abuser or perpetrator, HP 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, HP 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, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP 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, HP 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, HP 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.

HP 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.

HP's emergency transfer plan provides further information on emergency transfers, and HP 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**

HP 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 HP must be in writing, and HP 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. HP 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 HP as documentation. It is your choice which of the following to submit if HP 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 HP 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 HP has agreed to accept.

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

If HP 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), HP 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, HP does not have to provide you with the protections contained in this notice.

### **Confidentiality**

HP 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.

HP must not allow any individual administering assistance or other services on behalf of HP (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.

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

- You give written permission to HP to release the information on a time limited basis.
- HP 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 HP or your landlord to release the information.

VAWA does not limit HP'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, HP 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 HP 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 HP can demonstrate the above, HP 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 **HUD, San Antonio Field Office**  
**210-475-6800**

**For Additional Information**

You may view a copy of HUD's final VAWA rule at

<https://www.hudexchange.info/resource/4718/federal-register-notice-proposed-rule-violence-against-women-act-2013-vawa-2013/>

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

For questions regarding VAWA, please contact **Jamie Alex, Luling Housing Authority**.

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 **SEE ATTACHED INFORMATION SHEET**.

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 **Luling Police Department**

Victims of stalking seeking help may contact **Luling Police Department**

**Attachment:** Certification form HUD-5382 [form approved for this program to be included]

# LOCAL RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

## Notice to Adult Victims of Family Violence

It is a crime for any person to cause you any physical injury or harm EVEN IF THAT PERSON IS A MEMBER OR FORMER MEMBER OF YOUR FAMILY OR HOUSEHOLD

Please tell the investigating peace officer:

- \* If you, your child, or any other household resident has been injured or
- \* If you feel you are going to be in danger when the officer leaves or later

YOU HAVE THE RIGHT TO:

- \* Ask the local prosecutor to file a criminal complaint against the person committing family violence, and
- \* Apply to a court for an order to protect you. You should consult a legal aid office, a prosecuting attorney, or a private attorney. For example, the court can enter an order that:
  - (1) The abuser not commit further acts of violence;
  - (2) The abuser not threaten, harass, or contact you at home;
  - (3) Directs the abuser to leave your household, and
  - (4) Establishes temporary custody of the children and directs the abuser not to interfere with the children or any property.

A VIOLATION OF CERTAIN PROVISIONS OF COURT ORDERED PROTECTION (such as (1) and (2) above) IS A CRIMINAL OFFENSE.

Call the following violence shelters or organizations if you need protection:  
Hays County Women's Shelter - 398-HELP or 396-3404  
Department of Human Resources - 875-5603 or 1-800-252-5400  
Legal Aid - 1-800-252-9681

## Noticia a Victimas de Violencia En La Familia

Es una ofensa criminal que alguna persona haga injuria fisica o dano a VD AUN QUE ESA PERSONA SEA MIEMBRO DE SU FAMILIA O SU HOGAR.

Por favor, avise al agente de policia:

- \* Si Vd., sus hijos, o algun residente de su hogar haya sido herido;
- \* Si Vd. teme peligro cuando el agente de policia salga de su hogar

TIENE EL DERECHO DE:

- \* Pedir al fiscal local que el registre encargos criminales encontra de la persona que ha cometido violencia en la familia;
- \* Aplicar a una corte para una orden para proteger. Vd. debe de consultar la oficina de asistencia legal, el fiscal local, o un abogado provado. Por ejemplo, la corte puede entrar una orden que:
  - (1) El abusador no comite mas actos de violencia;
  - (2) El abusador no amenaze, no moleste o no tenga contacto con Vd. en su hogar;
  - (3) Dirige al abusador que se salga de su hogar;
  - (4) Establece custodia temporaria de sus hijos Y dirige al abusador que no se entremeta con su hijos o su propiedad.

UNA VIOLACION DE CIERTAS PROVISIONES DE PROTECCION POR ORDEN DE LA CORTE (como en numeros (1) y (2) ya citado) ES UNA OFENSA CRIMINAL.

Llame a los siguientes lugares si Vd. necesita proteccion:

Hays County Women's Shelter: 398-HELP o 396-3404  
Department of Human Resources: 875-5603 o 1-800-252-5400  
Legal Aid - 1-800-252-9681

_____	_____
Victim	Address
_____	_____
Officer	Date & Time

