

**7. What happens if the abuser also submits a certification claiming that he or she is a victim?**

If the housing authority or landlord receives documentation with conflicting information, then the PHA or landlord may require you to submit any of the above-mentioned third-party documentation to prove your status as a victim of domestic violence, dating violence, sexual assault, or stalking.

**8. Can a housing provider share the information I provide about the abuse with others?**

No, except in limited cases. The housing authority or landlord cannot give the information you provide about the abuse to others. The information may be shared only if you agree in writing, if it is needed to evict the abuser from the housing, or if disclosure is required by law.

**9. Does this mean that a victim of domestic violence, dating violence, sexual assault, or stalking cannot be evicted at all?**

No. You still can be evicted for serious or repeated lease violations that aren't related to the abuse. The landlord or housing authority must hold you to the same standard as other tenants. The landlord also may be able to evict if there is a real and immediate threat to other tenants if you are not evicted. **If you receive any type of eviction notice, call a legal aid office immediately.**

**10. Is the housing authority or landlord required to tell me about VAWA's housing protections?**

Yes. VAWA requires each housing authority or landlord to tell applicants and tenants of the VAWA housing protections. The notice, when approved by HUD, must be given along with the self-certification form mentioned in Question 6 at the time an applicant is denied housing or assistance, at the time an applicant is admitted to housing, or when a tenant is notified of eviction or termination. This notice must be in multiple languages. At this time, HUD has not issued the notice.

**11. How does VAWA affect other state or local laws that might protect me?**

VAWA is federal law. However, VAWA is not intended to replace other federal, state, or local laws that may provide more protections for victims of abuse.

**12. Who can help me?**

Contact an attorney, domestic violence agency, or fair housing agency to see if VAWA can help you.



## **Know Your Rights: Domestic Violence and Federally Assisted Housing**

### **The Violence Against Women Act**

Are you a victim of domestic violence, dating violence, sexual assault, or stalking?

Do you live in federally assisted housing?

**A law called VAWA, the Violence Against Women Act, may help you.**

May 2014

# The Rights of Domestic Violence Victims: Living in Federally Assisted Housing

## 1. Am I covered by VAWA's housing protections?

VAWA protects victims of domestic violence, dating violence, sexual assault, and stalking. It also covers the victim's immediate family members and other household members (even if they are not related to the victim by blood or marriage). You don't have to be married to or living with the abuser to be protected by VAWA.

VAWA covers the following housing programs:

- Public housing;
- Section 8 Housing Choice Vouchers;
- Section 8 project-based housing;
- Section 202 housing for the elderly;
- Section 811 housing for the disabled;
- Section 236 multifamily rental housing;
- Section 221(d)(3) Below Market Interest Rate (BMIR);
- HOME;
- Housing Opportunities for People with Aids (HOPWA);
- McKinney-Vento Act programs;
- Rural Development multifamily housing; &
- Low-Income Housing Tax Credit (LIHTC) housing.

## 2. Does VAWA apply to private, market-rate housing?

No. VAWA does NOT cover private housing that does not receive federal rental assistance. The rights described in this flyer apply only to the above-listed federal housing programs. However, you may wish to contact your local legal aid office to see if there are any state or local laws that can

protect you.

## 3. What rights does VAWA offer?

Rights for victims of domestic violence, dating violence, sexual assault, and stalking include:

- If you are applying for housing, you can't be denied just because you are a victim.
- You can't be evicted or lose your federal rental assistance just because violence has been committed against you.
- Acts of violence against you are not considered to be serious or repeated violations of your lease or good cause for evicting you or ending your federal housing assistance.

## 4. What if I need to get the abuser out of the home?

If someone living in your home uses violence against you, the housing authority or your landlord may evict the abuser alone, and let you, your family, and other household members stay in the home. If the federal housing assistance was based solely on the abuser's eligibility, then you and any remaining tenants have the right to prove eligibility for the housing. If you or another household member cannot show eligibility, you must be given reasonable time to prove that you qualify for another federal housing program, or to find new housing.

## 5. What if I need to move to escape the abuse?

If you have a Section 8 voucher, VAWA states that the housing authority may permit you to move and keep your voucher, even if your lease has not ended.

The federal agencies who run the housing programs listed in Question 1 must adopt emergency transfer plans that housing authorities and

landlords of such housing use to allow transfers to other federally assisted housing that is available and safe. Those model plans are generally not yet available, but you should ask the housing authority or landlord to assist you to transfer. You are allowed to transfer if you ask and reasonably believe you are about to be hurt by more violence, or if you have been a victim of sexual assault that occurred on the property up to 90 days before the request.

## 6. How do I prove that I can use VAWA's protections?

To see if you can use VAWA, the housing authority or your landlord may ask for documentation showing that you are a victim of domestic violence, dating violence, sexual assault, or stalking. The housing provider must make this request in writing. There are three ways to show that you are a victim:

- Complete a self-certification form. The form will ask for: your name; the name of your abuser (if known and safe to provide); the abuser's relationship to you; the date, time and place of the violence; and a description of the violence. To get the form, call the housing authority or a legal aid office. In the future, the form may be changed.
- Provide a letter signed by a victim service provider, attorney, or a medical or mental health professional who has helped you with the abuse (also called "third-party documentation"). You must also sign this letter.
- Provide a police report, court record (such as a restraining order), or administrative record.

You can pick any of these three choices. With limited exceptions, a housing provider cannot make you choose any particular one. The housing provider must give you at least 14 business days (weekends and holidays do not count) to provide proof of the violence.