

Williamson Housing Authority
Violence Against Women Act (VAWA) Policy
Addendum to Williamson Housing Authority Current ACOP

PURPOSE: The purpose of this policy is to implement the applicable provision of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA) (Pub. L. 109-162). This amendment sets forth the Williamson Housing Authority (WHA) policies and procedures to assist WHA staff to implement the applicable provisions of VAWA while maintaining a safe environment for the housing authority, its employees, residents, applicants, program participants and others who may be affected by the violence.

APPLICABILITY: This policy shall be applicable to the federally subsidized programs administered by the Williamson Housing Authority, public housing programs under the U.S. Housing Act of 1937 (42 U.S.C. § 1437 *et seq.*). *This policy is gender-neutral; the protections afforded under the policy are available to males who are victims of domestic violence, dating violence, sexual assault or stalking as well as female victims of such violence.*

GOALS AND OBJECTIVES: It is the WHA intent to maintain compliance with all applicable requirements imposed by VAWA and thus assist in possibly reducing domestic violence, dating violence, sexual assault and stalking, and homelessness.

These WHA goals and objectives efforts shall include to:

- Provide and maintain housing opportunities for victims of domestic violence, dating violence, sexual assault or stalking
- Create and maintain collaborative partnerships between WHA, 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 WHA;

- Ensure the physical safety of victims of domestic violence, dating violence, sexual assault or stalking (whether actual or imminent threat) who are assisted by WHA;
- Maintain compliance with all applicable requirements imposed by VAWA.
- Take appropriate action in response to an incident or incidents of domestic violence, dating violence, sexual assault or stalking, affecting families or individuals assisted by WHA.

POLICY PROVISIONS

I. Notification Requirements

The WHA shall provide written notification to applicants, tenants of the rights and obligations imposed under the VAWA relating to denial of assistance, confidentiality, and termination of tenancy or assistance. Written notifications shall be provided in briefing materials for waitlist applicants, at the annual re-examination for current public housing tenants.

II. Denial of Admission

The WHA shall not deny admission to an applicant or participant who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant otherwise qualifies for admission or assistance and if the applicant household does not include a perpetrator of a previous incident or incidents of domestic violence, dating violence, sexual assault or stalking. Pursuant to VAWA, the WHA must and shall 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 WHA shall deny admission or assistance to the individual in the applicant family whose screening process provides relevant information reflecting a history of crimes involving domestic violence, dating violence, sexual assault or stalking or other crimes of physical violence, to persons or property.

III. Confidentiality

The WHA staff shall retain in 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

VAWA data shall neither be entered into any shared database nor be provided to any related entity, except:

- To the extent that disclosure is requested or consented in writing by the individual who is the victim; or
- Required for use in an eviction proceeding of an abuser, stalker, or perpetrator of domestic violence, dating violence, sexual assault or stalking; or
- Is otherwise required by applicable law

IV. Certification of Claim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The individual claiming to be a victim of domestic violence, dating violence, sexual assault or stalking, who faces proposed adverse action such as denial of application to tenancy or assistance or termination of tenancy/eviction or assistance, shall provide the complete and accurate certifications to the WHA, within 14 business days after the WHA, requests such certification. If the individual does not provide such certification within the 14 business days after requested by the WHA, it shall result in loss of the VAWA protection referenced in this policy against a proposed adverse action.

Certification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may be provided by one of the following accepted forms of verification:

- Form HUD-50066 Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking. The incident or incidents in question must be described in reasonable detail as required in the form.
- Police or court record describing the incident or incidents in question

- Documentation of incident or incidents in question provided by a social service agency, or court of competent jurisdiction, or a clergyman, physician and/or a public or private facility that provides shelter or counseling to the victims of domestic violence.

The documentation must verify that the family has been displaced as a result of fleeing violence in the home in which they are currently living.

The WHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice.

In all cases, the individual claiming to be a victim will have to divulge the name of the perpetrator and the victim will be required to certify that the perpetrator will not be allowed to return to the victim's residency.

WHA retains all rights to add the name of the perpetrator to its "NO TRESPASS" list that is provided to the local police department.

V. Termination of Tenancy or Assistance

The WHA shall terminate tenancy, or refuse to renew a lease to any household member who is a perpetrator of domestic violence, dating violence, sexual assault or stalking. The WHA retains the discretion to determine on a case-by-case basis whether or not the entire household or only the offending member(s) shall be evicted or assistance terminated for such criminal activity.

An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease or family obligations by the victim or threatened victim of that violence and shall not be good cause for terminating the tenancy, or occupancy rights of the victim of such violence. Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant household

or any guest or other person under the tenant's control shall not be cause for termination of tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that violence. This does not limit the authority of the WHA to:

- Terminate tenancy to individuals who engage in criminal acts of physical violence against family members or others.
- Terminate tenancy to a tenant for any violation of the lease or family obligation not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the WHA does not subject 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 in determining whether to terminate tenancy.
- Terminate tenancy to a tenant if the agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or WHA if that tenant is not evicted or terminated.

Upon relocation of the household member who is the victim of domestic violence, dating violence, sexual assault or stalking, the WHA shall terminate tenancy of the remaining family if the perpetrator of the violence remains in the household.

VI. Removal of Perpetrator

Notwithstanding anything in Federal, State, or local law to the contrary, the WHA as public housing landlord, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such eviction, removal, termination of

occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by WHA. The WHA lease used for all public housing operated by WHA shall contain provisions setting forth the substance in this paragraph.

Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant.

VII. Court Orders/Family Break-up

Court Orders: It is the policy of the WHA to honor orders entered by courts of competent jurisdiction affecting individuals assisted by WHA and their property, in the public housing program. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

Family Break-up: Other policies regarding family break-up are contained in the WHA public housing Admissions and Continued Occupancy Policy.

VIII. WHA Relationships with Service Providers

It is the policy of the WHA to cooperate with organizations and entities, both private and governmental, that provides shelter and/or services to victims of domestic violence.

The WHA shall seek and establish partnerships with private and/or governmental entities that provide shelter and/or services to victims of domestic violence, dating violence, sexual assault or stalking.

If WHA staff becomes aware that an individual assisted by the ASC is a victim of domestic violence, dating violence, sexual assault or stalking, WHA will refer the victim to such providers of shelter or services as

appropriate. This policy does not create any legal obligation requiring WHA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence, or to make a referral in any particular case.

WHA's Annual PHA Plan shall describe providers of shelter or services to victims of domestic violence with which it has referral or cooperative relationships.

IX. Relationship with Other Applicable Laws

Neither the Violence Against Women Act nor this policy adopted by the WHA implementing the provisions of the VAWA shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence, sexual assault or stalking.

X. Amending the WHA Violence Against Women Policy

This policy may be amended from time to time by the WHA as approved by the WHA Board of Commissioners.

DEFINITIONS

The following definitions apply to the WHA Violence Against Women Policy.

1937 Act

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

Bifurcate

With respect to a public housing or a Section 8 lease, *bifurcate* means to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Dating Violence

Dating Violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim, and
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship;
 - (ii) The type of relationship; and
 - (iii) The frequency of interaction between the persons involved in the relationship.

Domestic Violence

Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, 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.

Household

Household means the family and PHA-approved live-in aide. **The term household also includes foster children and/or foster adults that have been approved to reside in the unit.**

HUD

HUD means the Department of Housing and Urban Development

Immediate Family Member

Immediate Family Member means, with respect to a person:

- (1) A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis (in place of a parent); or
- (2) Any other person living in the household of that person and related to that person by blood or marriage.

Other person under the tenant's control

Other person under the tenant's control, for the purposes of this policy means that 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*.

PHA

Public Housing Agency (PHA) means 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.

Premises

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

Responsible Entity

For the public housing program *responsible entity* means the PHA administering the program under an Annual Contributions Contract with HUD.

Stalking

Stalking means:

- (1)(i) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or
- (ii) To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and

(2) In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to

- (i) That person,
- (ii) A member of the immediate family of that person, or
- (iii) The spouse or intimate partner of that person.

VAWA

VAWA means the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–162, approved August 28, 2006), as amended by the U.S. Housing Act of 1937 (42 U.S.C. 1437d and 42 U.S. 1437f).

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