

Watertown Housing Authority
VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY
CERTIFICATION AND LEASE ADDENDUM

Resolution No: 2017-11
Dated: 6/15/2017
Approved By: BOC
Revision Date:

Congress passed a law known as the Violence Against Women Act (VAWA), which makes certain changes to the public housing program and requires changes to your lease, which are outlined below. Attached is the HUD form 5382 that must be completed along with the lease addendum. Under the law, the Lease Addendum is effective immediately, when applicable.

The following is a brief overview of VAWA:

VAWA protects public housing applicants, tenants and household members who are victims of domestic violence, dating violence, sexual assault, or stalking, from being evicted or denied housing assistance based on acts of violence committed against them.

- Watertown Housing Authority may not discriminate against a VAWA victim by denying admission to housing, just because he or she is a victim.
- Watertown Housing Authority may deny admission to housing to a VAWA victim for reasons other than being a victim.
- Watertown Housing Authority may not terminate a VAWA victim's tenancy or occupancy rights because he or she is a VAWA victim.
- Watertown Housing Authority may split public housing tenancy rights to terminate the tenancy or occupancy rights of the abuser while protecting the victim and other household members from eviction.
- Watertown Housing Authority may terminate a VAWA victim's public housing tenancy or occupancy rights for reasons other than being a victim.
- Watertown Housing Authority has adopted an Emergency Transfer Plan for VAWA victims.
- Watertown Housing Authority will report Emergency Transfers to HUD as required.
- Watertown Housing Authority will keep all records confidential and retain them for three (3) years.

OUTLINE OF VAWA'S PROVISIONS

Protections for Victims

- Admission to the public housing program may not be denied to an applicant because he or she is a victim of domestic violence, dating violence, sexual assault, or stalking, if he or she is otherwise qualified for assistance.
- An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for termination of the tenancy or occupancy rights of the victim.
- Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking by a member of a tenant's household or any guest or other person under the tenant's control, will not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate family member of the tenant's family is a victim of the domestic violence, dating violence, sexual assault, or stalking.

Permissible Evictions

- Watertown Housing Authority may evict, remove or terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others.
- Watertown Housing Authority has the authority to terminate the tenancy of any tenant, including the victim, if it can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property. VAWA does not limit Watertown Housing Authority's right to evict a tenant for any violation of a lease not based on the act or acts of violence in question against the tenant or a member of the household. However, Watertown Housing Authority may not use a higher standard against a tenant who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, when it makes eviction to terminate decisions.

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**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.

Form HUD-5382

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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): _____

In your own words, briefly describe the incident(s):

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.

Form HUD-5382

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LEASE ADDENDUM

VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2005

TENANT	LANDLORD	UNIT NO. & ADDRESS

This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant and Landlord.

Purpose of the Addendum

The lease for the above referenced unit is being amended to include the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA).

Conflicts with Other Provisions of the Lease

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

Term of the Lease Addendum

The effective date of this Lease Addendum is _____. This Lease Addendum shall continue to be in effect until the Lease is terminated.

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VAWA Protections

1. The Landlord may not consider incidents of domestic violence, dating violence, sexual assault, or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5382, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

Tenant

Date

Landlord

Date