

NOTICE TO HOUSING CHOICE VOUCHER APPLICANTS AND TENANTS REGARDING PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, sexual assault and stalking. The name of the law is the Violence against Women Act, or "VAWA." This notice explains your rights under VAWA.

Protections for Victims

If you are eligible for a Housing Choice Voucher (HCV), the HRA cannot deny you rental assistance solely because you or an individual affiliated with your household, like your spouse, parent sibling, or child or a lawful occupant in your household, is a victim of domestic violence, dating violence, sexual assault or stalking.

If you or an individual affiliated with your household, like your spouse, parent, sibling, or child or a lawful occupant in your household, is a victim of domestic violence, dating violence, sexual assault or stalking, you cannot be terminated from the HCV program or evicted based on acts or threats of violence committed against you or an individual affiliated with your household. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you or an individual affiliated with your household were the victim of the abuse.

Reasons You Can Be Evicted

You can be evicted and your rental assistance can be terminated if the HRA or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault or stalking committed against you. The HRA and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. The HRA can terminate the abuser's HCV assistance while allowing you to continue to receive assistance. If the landlord or HRA chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

Moving to Protect Your Safety

The HRA must permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The HRA may require that you be current on your rent or other obligations in the HCV program. The HRA may ask you to provide proof that you are moving because of incidences of domestic violence, dating violence, sexual assault or stalking.

Proving that You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The HRA and your landlord can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, sexual assault or stalking. The HRA and your landlord must request proof in writing and give you at least 14 business days to provide this proof. The HRA and your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form that is approved by HUD, provided by the HRA or your landlord.
- Provide a statement from a victim service provider, attorney, or a medical or mental health professional who has helped you address incidents of domestic violence, dating violence, sexual assault or stalking.
- Provide a federal, state, tribal, territorial, or local police, court, or administrative record, such as a protective order.

If you fail to provide one of these documents within the required time the HRA may terminate your assistance.

Confidentiality

The HRA and your landlord is required by law to restrict access to information provided regarding an individual's status as a survivor to only those employees who need such information to perform their job duties. The HRA and landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the HRA or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If providing the perpetrators name would put your safety at risk, you have the right to not disclose their name.

VAWA and Other Laws

VAWA does not limit the HRA or landlords 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.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, stalking or sexual assault.

For Additional Information

If you have any questions regarding VAWA, please contact your Coordinator at 651-602-1428.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-223-1111.

If you need help and advice about sexual assault, call 1-800-656-4673.

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with who the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- 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

VAWA defines *dating violence* as 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:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *stalking* as (A)(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 (B) 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 defines *sexual assault* as any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

Legal Services

Southern Minnesota Legal Services (Ramsey, Washington, Dakota and Scott/Carver Counties): intake # (651) 224-7301

Mid Minnesota Legal Services or Central Minnesota Legal Services (Hennepin County): intake # (612) 334-5970

Judicare of Anoka County (Anoka): intake # (763) 783-4970 or **Central Minnesota Legal Services** (Anoka): intake # (612) 746-3710

Hotline Numbers

If you are not safe because of domestic violence call: 1(800) 223-1111

If you are not safe because of sexual assault call: 1 (800) 656-4673

Battered Women's Shelters in the Twin Cities Metro Area

Shelter	City	Phone
Alexandra House	Blaine	(763) 780-2330
Asian Women United of MN/House of Peace Shelter	St. Paul and Minneapolis	(651) 646-2118
B. Robert Lewis House	Eagan	(651) 452-7288 (651) 405-9455 (TTY)
B. Robert Lewis House	Hastings	(651) 437-1291 (651) 437-2838 (TTY)
Casa de Esperanza	St. Paul	(651) 772-1611
Cornerstone Advocacy Services	Bloomington, Edina, Richfield, Eden Prairie	(952) 884-0330
Eagle's Nest Shelter/Women of Nations	St. Paul	(651) 251-1621
Home Free	Plymouth	(763) 559-9008
Sojourner Project	Hopkins	(952) 933-7433
Tubman Family Alliance	Hennepin, Ramsey, and Washington Counties	(612) 825-0000

Battered Women's Advocacy Programs in the Twin Cities Metro Area:		
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Program	City	Phone
African Women's Resource Center	St. Paul	(651) 646-5657
Aurora Center- University of Minnesota	Minneapolis	(612) 626-2929
Battered Women's Legal Advocacy Project	Minneapolis	(612) 343-9842
Communications Services for the Deaf (CSD) MN- Domestic Violence Program	St. Paul	(651) 487-8867 (TTY)
Domestic Abuse Project	Minneapolis	(612) 379-6363
Hennepin County Domestic Abuse Service Center	Minneapolis	(612) 348-5073
International Self-Reliance Agency for Women	Minneapolis	(612) 692-8840
Jewish Domestic Abuse Collaborative	St. Paul	(651) 698-0767
Minnesota Coalition Against Sexual Assault	St. Paul	(651) 209-9993
Minnesota Indian Women's Sexual Assault Coalition	St. Paul	(651) 646-4800
Minnesota Network on Abuse in Later Life	Roseville	(651) 636-5311
OutFront Minnesota	Minneapolis	(612) 822-0127, ext 101
Project P.E.A.C.E.	Brooklyn Center	(763) 533-0733
SEWA-AIFW (Asian Indian Family Wellness)	Fridley	(763) 234-3491
Southern Valley Alliance for Battered Women	Belle Plaine	(952) 873-4214
St. Paul Domestic Abuse Intervention Project	St. Paul	(651) 645-2824