

**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.

cuentan) para presentar una constancia de la violencia sufrida.

**7. ¿Qué sucede si el agresor también presenta una certificación que indica que él o ella es víctima?**

Si la autoridad de vivienda o el arrendador reciben documentación con información contradictoria, entonces la autoridad de vivienda pública o el arrendador pueden exigirle que presente determinada documentación de terceros como la antes citada para probar su estado como víctima de violencia doméstica, violencia en el noviazgo, ataque sexual o acecho.

**8. ¿Un proveedor de vivienda puede compartir con otras personas la información que proporcione sobre el maltrato?**

No, excepto en algunos casos. La autoridad de vivienda o el arrendador no pueden dar a otras personas la información que usted proporcione sobre el maltrato. La información se podrá compartir sólo si usted lo acuerda por escrito, si es necesario para desalojar al agresor de la vivienda o si la ley exige su divulgación.

**9. ¿Significa que una víctima de violencia doméstica, violencia en el noviazgo, ataque sexual o acecho no puede ser desalojada?**

No. Puede ser desalojada por infracciones graves o reiteradas del contrato de arrendamiento que no estén relacionadas con el maltrato. El arrendador o la autoridad de vivienda deben aplicar para usted la misma norma que se aplica para los demás inquilinos. El arrendador también puede proceder con el desalojo si existe una amenaza real e inmediata a otros inquilinos si usted no es desalojada. **Si recibe cualquier tipo de notificación de desalojo, llame de inmediato a una oficina de asistencia legal.**

**10. ¿La autoridad de vivienda o el arrendador deben informarme sobre las protecciones para la vivienda que garantiza VAWA?**

Sí. VAWA exige a todas las autoridades de vivienda o arrendadores informar a los solicitantes e inquilinos sobre las protecciones para la vivienda que garantiza VAWA. La notificación, cuando sea aprobada por Vivienda y Desarrollo Urbano (HUD), debe entregarse junto con el formulario de certificación mencionado en la Pregunta 6 en el momento en que se le niegue vivienda o asistencia al solicitante, en el momento en que el solicitante sea admitido en la vivienda o cuando un inquilino sea notificado del desalojo o la finalización del contrato. Esta notificación debe estar en varios idiomas. En este momento, HUD no ha emitido la notificación.

**11. ¿De qué manera afecta VAWA otras leyes estatales o locales que pueden protegerme?**

VAWA es una ley federal. No obstante, VAWA no tiene la intención de reemplazar otras leyes federales, estatales o locales que puedan proporcionar mayor protección a las víctimas de maltrato.

**12. ¿Quién puede ayudarme?**

Póngase en contacto con un abogado, una agencia de violencia doméstica o agencia de vivienda justa para ver si VAWA puede ayudarla.



## Conozca sus derechos: Violencia doméstica y vivienda con asistencia federal

### Ley sobre la Violencia contra las Mujeres

¿Es víctima de violencia doméstica, violencia en el noviazgo, ataque sexual o acecho?

¿Reside en una vivienda con asistencia federal?

**Una ley llamada VAWA (siglas en inglés), la Ley sobre la Violencia contra las Mujeres, puede ayudarla.**

Mayo 2014

# Los derechos de las víctimas de violencia doméstica: Residir en vivienda con asistencia federal

## 1. ¿Estoy cubierta por las protecciones de vivienda de VAWA?

La ley VAWA protege a las víctimas de violencia doméstica, violencia en el noviazgo, ataque sexual y acecho. También protege a los familiares inmediatos de la víctima y otros integrantes del hogar (aunque no estén relacionados con la víctima mediante lazos de sangre o matrimonio). No hace falta estar casada o vivir con el agresor para estar protegida por la ley VAWA.

VAWA cubre los siguientes programas de vivienda:

- Vivienda pública;
- Sección 8. Vouchers de elección de vivienda;
- Sección 8. Vivienda basada en proyecto;
- Sección 202. Vivienda para personas mayores;
- Sección 811. Vivienda para personas con impedimentos;
- Sección 236. Vivienda para alquiler multifamiliar;
- Sección 221(d)(3). Por debajo de la tasa de interés del mercado (BMIR);
- HOME (Programa de Asociación para la Inversión en Viviendas);
- Oportunidades de vivienda para personas con SIDA (HOPWA);
- Programas de la ley McKinney-Vento;
- Vivienda multifamiliar para el desarrollo rural; y
- Programa de crédito impositivo a la vivienda para personas con bajos ingresos (LIHTC).

## 2. ¿Se aplica VAWA a las viviendas privadas y con valor del mercado?

No. VAWA NO cubre viviendas privadas que no reciben asistencia federal para pagar el alquiler. Los derechos descritos en este folleto se aplican únicamente a los programas federales de vivienda antes citados. No obstante, puede ponerse en contacto con la oficina de ayuda legal local para ver si

hay leyes estatales o locales que puedan protegerla.

## 3. ¿Qué derechos ofrece la ley VAWA?

Los derechos para las víctimas de violencia doméstica, violencia en el noviazgo, ataque sexual y acecho incluyen los siguientes:

- Si solicita una vivienda, no se la pueden negar simplemente por ser víctima.
- No puede ser desalojada ni perder su asistencia federal para pagar el alquiler simplemente porque se han cometido actos de violencia contra usted.
- Los actos de violencia contra usted no se consideran infracciones graves o reiteradas de su contrato de arrendamiento o una causa justa para desalojarla o anular su asistencia federal para la vivienda.

## 4. ¿Qué sucede si necesito echar al agresor de la casa?

Si un miembro de su hogar ejerce violencia contra usted, la autoridad de vivienda o su arrendador podrán desalojar solo al agresor y dejar que usted, su familia y demás integrantes del hogar permanezcan en la vivienda. Si la asistencia federal para la vivienda se basaba únicamente en la elegibilidad del agresor, entonces usted y cualquiera de los restantes inquilinos tienen derecho a probar su elegibilidad para la vivienda. Si usted u otro integrante del hogar no pueden demostrar elegibilidad, se le debe proporcionar un plazo razonable para probar que cumple los requisitos para otro programa federal de vivienda o para encontrar una nueva vivienda.

## 5. ¿Qué sucede si debo mudarme para escapar del maltrato?

Si tiene un voucher de la Sección 8, la ley VAWA establece que la autoridad de vivienda podrá permitir que usted se mude y conserve su voucher, aun si no ha finalizado su contrato de arrendamiento.

Las agencias federales que ejecutan los programas de vivienda enumeradas en la Pregunta 1 de-

ben adoptar planes de traslado de emergencia que las autoridades de vivienda y los arrendadores de dichas viviendas utilicen para permitir traslados a otras viviendas con asistencia federal que estén disponibles y sean seguras. Esos planes modelo por lo general aún no están disponibles, pero debe pedir a la autoridad de vivienda o al arrendador que la ayude con el traslado. Se le permite el traslado si lo solicita y cree razonablemente que va a resultar lastimada mediante más violencia, o si ha sido víctima de ataque sexual que se produjo en la propiedad hasta 90 días antes de la solicitud.

## 6. ¿Cómo demuestro que puedo usar las protecciones de la ley VAWA?

Para saber si puede usar la ley VAWA, la autoridad de vivienda o el arrendador podrán pedirle la documentación que demuestre que usted es víctima de violencia doméstica, violencia en el noviazgo, ataque sexual o acecho. El proveedor de vivienda debe realizar esta solicitud por escrito. Hay tres maneras de demostrar que usted es víctima:

- Complete un formulario de certificación. En el formulario se le preguntará: su nombre; el nombre del agresor (si lo conoce y es seguro proporcionarlo); la relación que tiene con el agresor; la fecha, la hora y el lugar donde se ejerció la violencia y una descripción del acto de violencia. Para obtener el formulario, llame a la autoridad de vivienda o a una oficina de asistencia legal. En el futuro, puede haber cambios en el formulario.
- Proporcione una carta firmada por un proveedor de servicios para víctimas, por un abogado o por un profesional médico o de salud mental que la haya ayudado con el maltrato (también se la denomina "documentación de terceros"). Usted también debe firmar esta carta.
- Proporcione un informe policial o judicial (por ejemplo, una orden de restricción) o un registro administrativo.

Puede elegir cualquiera de estas tres opciones. Con algunas pocas excepciones, un proveedor de vivienda no puede hacerla elegir una en particular. El proveedor de vivienda debe darle por lo menos 14 días hábiles (fin de semana y feriados no

# The Violence Against Women Reauthorization Act of 2013: Q&A for Advocates May 2014



## Overview

### **What is the Violence Against Women Reauthorization Act of 2013 (VAWA 2013), and how is it different from the Violence Against Women Act of 2005 (VAWA 2005)?**

VAWA 2013 is a law that provides protections for survivors of domestic violence, dating violence, sexual assault, and stalking who are seeking to access or maintain federally-assisted housing. VAWA 2013 continues VAWA 2005's housing safeguards and significantly expands housing protections for survivors. Key changes include covering more federal housing programs; covering survivors of sexual assault and LGBT survivors; providing emergency transfer policies; providing survivors time to establish program eligibility after an abuser has been removed from a lease; and notification of VAWA housing rights to applicants and tenants upon admission, upon denial of admission/assistance, and upon termination/eviction. *See generally* 42 U.S.C.A. § 14043e-11.

### **When did VAWA 2013 become effective?**

VAWA 2013 was signed into law on March 7, 2013.

However, there are a few aspects of the law that require federal agency action before implementation can occur, such as the development of certain forms (*e.g.*, a notice of VAWA rights). The basic protections of VAWA 2013, however, are in effect. Basic protections include the prohibition against the denial of admission/assistance, eviction, or subsidy termination of an individual based on his/her status as a survivor. 42 U.S.C.A. § 14043e-11(b)(1).

In addition, HUD has indicated that the agency's regulations implementing VAWA 2005 continue to be in effect until further notice. *See generally* 78 Fed. Reg. 47,717 (Aug. 6, 2013); 75 Fed. Reg. 66,246 (Oct. 27, 2010).

### **Who is required to comply with the law?**

Public housing authorities and owners and managers of housing programs covered by VAWA must comply with the law. *See generally* 42 U.S.C.A. § 14043e-11.

## Coverage

### **Who does VAWA protect?**

VAWA protects anyone who is: (a) a victim of actual or threatened domestic violence, dating violence, sexual assault, or stalking, or an “affiliated individual” of the victim; AND (b) living in, or seeking admission to, a federally assisted housing unit covered by VAWA. *See generally* 42 U.S.C.A. § 14043e-11.

### **How does VAWA 2013 define “domestic violence,” “dating violence,” “sexual assault,” and “stalking”?**

- “Domestic violence” includes felony or misdemeanor crimes of violence committed by:
  - A current or former spouse or intimate partner of the victim;
  - A person with whom the victim shares a child;
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
  - Any other person who committed a crime against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction. 42 U.S.C.A. § 13925(a)(8).
- “Dating violence” is violence committed by a person:
  - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - The existence of such a relationship is determined based on the following factors:
    - Length of the relationship
    - Type of relationship
    - Frequency of interaction between the persons involved in the relationship. 42 U.S.C.A. § 13925(a)(10).
- “Sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent. 42 U.S.C.A. § 13925(a)(29).
- “Stalking” is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for his or her safety or others; or
  - Suffer substantial emotional distress. 42 U.S.C.A. § 13925(a)(30).

## **Who is an “affiliated individual” for the purposes of VAWA 2013?**

An “affiliated individual” can be: a survivor’s spouse, parent, sibling, or child; an individual to whom that survivor “stands in loco parentis”; or an “individual, tenant, or lawful occupant” living in the survivor’s household. 42 U.S.C.A. § 14043e-11(a)(1)(A)-(B). Under VAWA 2013, “affiliated individuals” do not necessarily have to be related to the survivor by blood or marriage.

## **What types of housing does VAWA 2013 cover?**

The law only provides protections for federally-subsidized housing units, and does not apply to private housing without federal subsidies. VAWA 2013 expanded the list of federal housing programs covered by the statute. 42 U.S.C.A. § 14043e-11(a)(3) (listing covered housing programs). The following is a list of housing programs covered by VAWA 2013:

- U.S. Department of Housing and Urban Development
  - public housing
  - Section 8 Housing Choice Voucher program
  - project-based Section 8 housing
  - Section 202 supportive housing for the elderly
  - Section 811 supportive housing for persons with disabilities
  - Section 236 multifamily rental housing
  - Section 221(d)(3) Below Market Interest Rate housing (BMIR)
  - HOME
  - Housing Opportunities for Persons with AIDS (HOPWA)
  - McKinney-Vento Act programs
- U.S. Department of Agriculture
  - Rural Development (RD) multifamily housing programs
- U.S. Department of the Treasury
  - Low-Income Housing Tax Credit program (LIHTC)

## **Admissions and Evictions/Terminations**

### **How does VAWA affect admissions and terminations?**

An individual's status as a survivor of domestic violence, dating violence, sexual assault, or stalking is not an appropriate basis for denial of admission/assistance, eviction, or termination of housing assistance. 42 U.S.C.A. § 14043e-11(b)(1).

Under VAWA 2013, actual or threatened criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking does not constitute grounds for terminating assistance, tenancy, or occupancy rights of the survivor or an affiliated individual of the survivor. 42 U.S.C.A. § 14043e-11(b)(3)(A). In addition, an abuser's acts of domestic violence, dating violence, sexual assault, or stalking cannot be considered a "serious or repeated" lease violation, or "good cause" for evicting or terminating assistance to the survivor or an affiliated individual. 42 U.S.C.A. § 14043e-11(b)(2)(A)-(B).

### **What if a housing provider says that the abuser is a threat to staff or other residents?**

Despite VAWA's protections, a housing provider may still be able to evict the survivor if the housing provider can demonstrate an "actual and imminent threat" to other tenants or employees of the property if the survivor is not evicted or assistance is not terminated. 42 U.S.C.A. § 14043e-11(b)(3)(C)(iii).

### **What does "actual or imminent threat" mean?**

Neither VAWA 2005 nor VAWA 2013 defines "actual and imminent threat." HUD regulations implementing VAWA 2005 define "actual and imminent threat" as "a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm." 24 C.F.R. § 5.2005(e). The regulation notes that "words, gestures, actions, or other indicators" constitute such a threat *if they also meet this definition*. 24 C.F.R. § 5.2005(d)(2). The regulation calls for a balancing of factors – such as duration of risk, the seriousness of potential harm, likelihood of the harm occurring, and the time before a harm would occur – to determine if an actual and imminent threat exists. 24 C.F.R. § 5.2005(e).

Additionally, the same HUD regulations remind housing providers that eviction or termination on these grounds should be a last resort taken when "no other actions" could be taken to alleviate the threat. 24 C.F.R. § 5.2005(d)(3). Other actions may include providing the survivor with a transfer, banning the abuser from the property, increasing police presence on the property, or pursuing legal remedies to stop the abuser from acting on threats.



### **What about criminal activity unrelated to abuse?**

VAWA does not protect tenants if the criminal incident for which they are being evicted or denied admission is unrelated to domestic violence, dating violence, sexual assault, or stalking. In determining whether to evict, a housing provider may not hold a survivor to a higher standard than other tenants. 42 U.S.C.A. § 14043e-11(b)(3)(C)(ii).

### **Can a housing provider evict the abuser while allowing the survivor to remain in the unit?**

Yes. A housing provider may bifurcate a lease to evict or terminate assistance to a tenant or occupant who commits acts of violence against family members or others. 42 U.S.C.A § 14043e-11(b)(3)(B)(i). This action may be taken without evicting or terminating assistance to the survivor who is also a tenant or lawful occupant. Bifurcation is applicable to all leases in the covered housing programs. The eviction or termination of the abuser must comply with federal, state, and local law.

Importantly, under HUD's regulations implementing VAWA 2005, in situations where a family has a Section 8 tenant-based voucher and family break-up occurs due to domestic violence, dating violence, or stalking, the public housing authority *must* ensure that the victim retains the Section 8 voucher assistance. 24 C.F.R. § 982.315(a)(2).

### **What happens when the abuser is evicted or terminated and the survivor remains in the unit?**

If the abuser was the only household member receiving housing assistance, VAWA 2013 states that the survivor must be afforded the opportunity to demonstrate eligibility for the housing program. 42 U.S.C.A. § 14043e-11(b)(3)(B)(ii). If the survivor cannot establish eligibility for that program, then the housing provider must allow the survivor reasonable time to show that he/she qualifies for another covered housing program, or to relocate to other housing. 42 U.S.C.A. § 14043e-11(b)(3)(B)(ii). The agency administering the housing program at issue (HUD, USDA, or Treasury) will determine what constitutes a reasonable amount of time.

### **What if the survivor needs to leave a unit for his or her own safety?**

PHAs may permit Section 8 voucher holders to move to another jurisdiction, even during a lease term, to protect the health and safety of someone who has been a survivor of domestic violence, dating violence, or stalking. *See* 42 U.S.C.A. § 1437f(r)(5). Preserving portability for survivors was part of VAWA 2005, and was unchanged by VAWA 2013; thus, sexual assault survivors are not explicitly included in this pre-VAWA 2013 protection. However, this should be viewed as an oversight, and advocates should work to ensure that this oversight is addressed in any subsequent implementing

regulations or documents.

VAWA 2013 requires federal agencies administering programs covered by the statute to adopt model emergency transfer policies. 42 U.S.C.A. § 14043e-11(e). Once adopted, these policies are to be used by housing providers to allow survivors of domestic violence, dating violence, sexual assault, and stalking to find safe alternative housing through one of the covered housing programs. Under these policies, housing providers must allow a survivor to transfer if: the tenant requests the transfer, and the tenant either (a) reasonably believes he or she is threatened by imminent harm by more violence, or (b) is victim of sexual assault on the property up to 90 days before the request. 42 U.S.C.A. § 14043e-11(e)(1)(A)-(B). Under VAWA 2013, HUD must establish policies and procedures enabling survivors who request an emergency transfer to receive a tenant protection voucher. However, the law is not clear if the survivor would be entitled to a tenant protection voucher if no transfer options were available. *See* 42 U.S.C.A. § 14043e-11(f). Additionally, note that USDA Rural Development has circulated a preliminary model emergency transfer plan in a February 2014 administrative notice. *See* RD AN No. 4747 (1944-N), Attachment B.

## **Proof of Abuse**

### **Can a housing provider ask for proof of the abuse?**

Housing providers may, *but are not required to*, ask an individual for documentation that he or she is a survivor if the individual seeks to assert VAWA's protections. 42 U.S.C.A. § 14043e-11(c)(5). At their discretion, housing providers may apply VAWA to an individual based solely on the individual's statement. 42 U.S.C.A. § 14043e-11(c)(3)(D). However, if the housing provider would like documentation, this request must be made in writing. 42 U.S.C.A. § 14043e-11(c)(1). The individual has fourteen business days to respond. 42 U.S.C.A. § 14043e-11(c)(2)(A). If the individual fails to respond in that timeframe, a housing provider may take an adverse action against the individual. The housing provider is free to extend this timeframe if it is needed by the individual. 42 U.S.C.A. § 14043e-11(c)(2)(B).

### **What types of documentation can a survivor provide to demonstrate abuse?**

If a housing provider requests documentation, the survivor may provide:

- a certification form that is approved by the agency administering the program (HUD, USDA, or Treasury), which must: state that the tenant or applicant is a victim of domestic violence, dating violence, sexual assault, or stalking; note that the abuse cited is covered by the statute; and state the name of the abuser, if the name is known and safe to provide (Form HUD-50066 or Form HUD-91066 are the certification forms developed by HUD under VAWA 2005);

- documentation signed by the survivor and a victim service provider, an attorney, a medical professional, or a mental health professional in which the professional declares under penalty of perjury the professional's belief that the survivor has experienced a form of abuse covered by the statute ("third-party documentation"); OR
- a federal, state, tribal, territorial, or local police, court, or administrative record.

See 42 U.S.C.A. § 14043e-11(c)(3). While a provider must accept any of these forms of certification, if there are conflicting certifications (*e.g.*, two people claim to be the victim while accusing the other person of being the perpetrator), the housing provider can require the survivor to provide third-party documentation. 42 U.S.C.A. § 14043e-11(c)(7).

### **What steps must housing providers take to protect the survivor's privacy?**

Any information provided regarding an individual's status as a survivor must be kept confidential. Housing providers may not enter the information into any shared database or provide it to any related entity or person. 42 U.S.C.A. § 14043e-11(c)(4). The only exceptions are: (1) the survivor requests or consents to disclosure in writing; (2) the information is "required for use in an eviction proceeding"; or (3) disclosure is otherwise required by law. 42 U.S.C.A. § 14043e-11(c)(4)(A)-(C). HUD regulations implementing VAWA 2005 restrict access to survivor information to authorized employees who need such information to perform job duties. 24 C.F.R. § 5.2007(b)(4)(ii).

## **Housing Provider Obligations**

### **Do housing providers have to notify applicants and tenants of their VAWA rights?**

VAWA 2013 requires HUD to develop a written notice of an applicant or tenant's rights under the statute. 42 U.S.C.A. § 14043e-11(d)(1). Once the notice is developed, VAWA 2013 requires covered housing providers to distribute the notice at three points: (1) upon denial of admission; (2) upon admission; or (3) with a notice of eviction or subsidy termination. 42 U.S.C.A. § 14043e-11(d)(2)(A)-(C). The notice must be accompanied by the federal agency-approved certification form, and must be available in non-English languages for persons with limited English proficiency. 42 U.S.C.A. § 14043e-11(d)(2)(D). However, this notice has not yet been developed by HUD.

Under HUD's regulations implementing VAWA 2005, public housing authorities must provide notice to public housing and Section 8 tenants of their rights under VAWA, including the right to confidentiality, as well as provide notice to owners and managers of assisted housing of their rights and obligations under VAWA. In addition, owners and managers of project-based Section 8 units must provide notice to Section 8 tenants of their rights and obligations under VAWA. 24 C.F.R. § 5.2005(a)(1)-(3).

## Guidance and Resources

### What guidance is available concerning VAWA 2013?

- The VAWA 2013 housing protections are codified at 42 U.S.C.A. § 14043e-11.
- 75 Fed. Reg. 66,246 (Oct. 27, 2010) (VAWA 2005 regulations): HUD's regulations implementing VAWA 2005 are still in effect until the agency indicates otherwise.
- 78 Fed. Reg. 47,717 (Aug. 6, 2013): This notice provides an overview of key aspects of VAWA 2013.
- USDA, RD AN No. 4747 (1944-N) (Feb. 10, 2014): Rural Development Administrative Notice (AN) addressed to RD multifamily housing program directors concerning implementation of VAWA 2013; includes a model emergency transfer plan, available at:  
<http://www.rurdev.usda.gov/SupportDocuments/an4747.pdf>
- HUD Office of Community and Planning Development (CPD), *HOMEfires* Newsletter (Dec. 2013): outlining VAWA 2013 housing protections while telling housing providers not to wait for HUD rulemaking to extend basic VAWA protections, available at:  
<https://www.onecpd.info/resources/documents/HOMEfires-Vol11-No1-Violence-Against-Women-Reauthorization-Act-2013.pdf>
- Letter from HUD PIH to PHAs regarding VAWA 2013 (Sept. 2013): Describes VAWA 2013 housing protections and reminds PHAs to update planning documents to reflect new housing protections, available at:  
<http://nhlp.org/files/Sept%202013%20VAWA%20letter%20to%20PHAs.pdf>

### What about other resources?

- NHLP has a summary of the key provisions of VAWA 2013, which formed the basis of this Q&A. To see the full article, please visit:  
[http://nhlp.org/files/VAWA%202013%20Bulletin%20Article%20\(Jan%202014\).pdf](http://nhlp.org/files/VAWA%202013%20Bulletin%20Article%20(Jan%202014).pdf)
- For additional questions, please contact Karlo Ng, Staff Attorney, National Housing Law Project, [kng@nhlp.org](mailto:kng@nhlp.org).



OFFICE OF HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-8000

Special Attention of:	Notice:	H 2017-05
Multifamily Regional Directors Multifamily Asset Management Division Directors Rural Services (RHS) Directors Performance Based Contract Administrators Multifamily Owners and Management Agents	Issued:	June 30, 2017
	Expires:	This notice remains in effect until amended, revoked, or superseded.
	Supersedes:	H 2010-23; H 2009-15

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**Subject: Violence Against Women Act (VAWA) Reauthorization Act of 2013 –  
Additional Guidance for Multifamily Owners and Management Agents**

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Appendix 1: Items to Consider When Developing VAWA Policies

## **I. Purpose**

This notice provides guidance to owners and management agents (O/As) of HUD multifamily assisted housing on the requirements of the Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, Final Rule, published in the Federal Register on November 16, 2016, (81 Fed. Reg. 80724 (November 16, 2016)) (VAWA Final Rule). This notice does not encompass every aspect of the VAWA Final Rule and should be used in conjunction with the VAWA Final Rule.

This notice supersedes Housing Notices H 2010-23 and H 2009-15.

## **II. Applicability**

This notice is applicable to all O/As participating in the following programs, as described in the November 16, 2016 Final Rule:

- Project-based Section 8 programs under the United States Housing Act of 1937 (42 U.S.C. 1437)
  - New Construction
  - State Agency Financed
  - Substantial Rehabilitation
  - Section 202/8
  - Rural Housing Services (RHS) Section 515/8
  - Loan Management Set-Aside (LMSA)
  - Property Disposition Set-Aside (PDSA)
- Section 202/162 Project Assistance Contract (PAC)
- Section 202 Project Rental Assistance Contract (PRAC)
- Section 202 Senior Preservation Rental Assistance Contracts (SPRAC)
- Section 811 PRAC
- Section 811 Project Rental Assistance (PRA)
- Section 236 (including RAP)
- Section 221(d)(3)/(d)(5) Below Market Interest Rate (BMIR)

## **III. Background**

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) (VAWA 2013) was signed into law. VAWA 2013 implemented several key changes related to housing protections for victims of domestic violence, dating violence, sexual assault, or stalking. HUD published a notice in the Federal Register on August 6, 2013 describing HUD's programs. (See 78 FR 47717.) HUD also sought comments on certain provisions through the notice to aid in the development of regulations and program guidance.

On April 1, 2015, HUD published its proposed rule that provided amendments to HUD's existing regulations that HUD determined necessary to fully implement VAWA 2013. On November 16, 2016, HUD published its VAWA Final Rule implementing the requirements of VAWA 2013 through HUD regulations (81 FR 80724). Implementing regulations for Multifamily Housing programs can be found at Code of Federal Regulations (CFR) Part 5,

Subpart L, Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, as well as various subparts of 24 CFR parts 200, 247, 880, 882, 883, 884, 886, and 891.

Additional background information on VAWA may be found in Section I of the preamble to the VAWA Final Rule, which starts on page 80725 of the November 16, 2016, Federal Register publication.

#### **IV. Summary of Major Changes**

##### **A. Major changes for Multifamily Housing programs include:**

1. Specifies “sexual assault” as a crime covered by VAWA in HUD-covered programs. (See 24 CFR 5.2003.)
2. Clarifies that, consistent with HUD’s nondiscrimination and equal opportunity requirements, victims of domestic violence, dating violence, sexual assault, or stalking cannot be discriminated against on the basis of any protected class, and HUD programs must also be operated consistent with HUD’s Equal Access Rule, which requires that HUD-assisted and HUD-insured housing must be available to all otherwise eligible individuals and families without regard to actual or perceived sexual orientation, gender identity or marital status. (See 24 CFR 5.2001(a).)
3. Establishes new definitions (e.g., affiliated individual and sexual assault, and others) and revises previously defined terminology (e.g., bifurcate and stalking). (See 24 CFR 5.2003.)
4. Establishes new requirements for notification of occupancy rights under VAWA, and transmits a Notice of Occupancy Rights Under the Violence Against Women Act, form HUD-5380. (See 24 CFR 5.2005(a).)
5. Provides that applicants and tenants may not be denied assistance or have assistance terminated under a covered housing program on the basis of or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. (See 24 CFR 5.2005(b)(1).)
6. Establishes the requirements for creating an emergency transfer plan and for related record keeping and reporting, and provides both a model “Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking”, form HUD-5381, and an “Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking”, form HUD-5383. (See 24 CFR 5.2005(e).)
7. Revises requirements for documenting the occurrence of domestic violence, dating violence, sexual assault, or stalking, and provides a new “Certification of

Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation”, form HUD-5382. (See 24 CFR 5.2007.)

8. Where the O/A exercises the option to bifurcate a lease and the evicted or terminated tenant was the recipient of assistance at the time of bifurcation, establishes a new requirement for reasonable time periods during which a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking may remain in the unit while establishing eligibility under the current housing program or under another covered housing program, or seeking alternate housing. (See 24 CFR 5.2009(b).)
9. Revises various Multifamily Housing regulations from the 2005 reauthorization of VAWA (VAWA 2005) to broadly state that VAWA protections apply, so that all applicants and tenants, and not only those determined to be victims of domestic violence, dating violence, sexual assault, or stalking receive statutorily required notification of their VAWA rights. (See 24 CFR parts 200, 247, 880, 882, 883, 884, 886, and 891.)
10. Clarifies that O/As may establish a preference for victims of dating violence, sexual assault, or stalking, in addition to domestic violence.

## V. Definitions

This Section includes definitions of terms most frequently referred to in this Notice that were included in the VAWA Final Rule. For the full list of terms defined in the VAWA Final Rule see 24 CFR 5.2003.

- A. *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.
- B. *Affiliated individual*, with respect to an individual, means:
  1. 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
  2. Any individual, tenant, or lawful occupant living in the household of that individual.
- C. *Bifurcate* means 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.

- D. *Covered housing provider* in the VAWA Final Rule refers to the individual or entity that operates a covered housing program, as defined by each program in its regulations, and that has responsibility for the administration and/or oversight of VAWA protections and includes sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, and nonprofit or for-profit organizations or entities. For the purposes of this Notice, *covered housing provider* will be referred to as O/A.

Note: Specific to the 811 PRA program, *covered housing provider* is the state housing agency, i.e., Grantee.

- E. *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:
    - a. The length of the relationship;
    - b. The type of relationship, and
    - c. The frequency of interaction between the persons involved in the relationship.
- F. *Domestic violence* includes felony or misdemeanor crimes of violence committed by:
1. a current or former spouse or intimate partner of the victim;
  2. a person with whom the victim shares a child in common;
  3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
  5. 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.
- G. *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.
- H. *Sexual assault* means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

- I. *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  1. Fear for the person's individual safety or the safety of others, or
  2. Suffer substantial emotional distress.

## **VI. Determining Who May Receive VAWA Protections**

### **A. Eligible Persons**

VAWA protections cover tenants and assisted families, as defined under applicable program regulations. VAWA protections also cover applicants when they are applying for admission to a covered housing program (e.g., Section 8 or PRAC).

VAWA protections are not limited to women. Victims of domestic violence, dating violence, sexual assault, or stalking are eligible for protections without regard to sex, gender identity, or sexual orientation. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD programs must also be operated consistently with HUD's Equal Access Rule, which requires that HUD-assisted and HUD-insured housing are made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

An O/A may find instances of domestic violence, dating violence, sexual assault, or stalking against youth (those under the age of 18 years old) living in an assisted household for which the family may need to exercise VAWA protections to protect the youth victim. O/As should exercise the same documentation and confidentiality procedures in assisting a family in this situation.

Note: Un-emancipated minors would not be eligible to sign leases under HUD programs. Housing providers may consider contacting child welfare or child protective services, or law enforcement, when a minor claims to be a victim of domestic violence, dating violence, sexual assault, or stalking.

### **B. Ineligible Persons**

Guests, unassisted members, and live-in aides of a household are ineligible for VAWA protections that are available only to tenants.

As a reasonable accommodation, a tenant can request VAWA protections based on the grounds that a live-in aid is a victim of domestic violence, dating violence, sexual assault, or stalking. In addition, other reasonable accommodations may be needed on a case-by-case basis. If qualified, the tenant may request an emergency transfer for the entire household including the live-in aide.

In cases where a guest or unassisted member is a victim of domestic violence, dating violence, sexual assault, or stalking, a tenant cannot be evicted or have assistance terminated based on the domestic violence, dating violence, sexual assault, or stalking of the guest or

unassisted member.

Unassisted members who are also on the lease may qualify by way of the lease for VAWA protections at 24 CFR 5.2005(c).

## **VII. Determining Eligibility for VAWA Protections**

- A. Determining VAWA protections, including whether an adverse factor is a “Direct Result” of domestic violence, dating violence, sexual assault, or stalking.

The VAWA Final Rule provides that an applicant for assistance or tenant receiving assistance under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the 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. (See 24 CFR 5.2005(b)(1).)

This provision prohibits O/As from denying admission to, denying assistance under, terminating participation in, or evicting a tenant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

For the programs covered by this Notice, an adverse factor refers to any factor that can be used as a basis for denying admission or assistance, terminating assistance or participation in a program, or evicting a tenant. However, if a denial or termination of assistance or eviction is required by a federal statute, based on a particular adverse factor, the O/A must comply with that statute, even if the adverse factor is a direct result of domestic violence, dating violence, sexual assault, or stalking. For example, if an applicant is subject to a lifetime registration requirement under a State sex offender registration program, the O/A must comply with section 578 of the Quality Housing and Work Responsibility Act of 1998 and deny the applicant admission, even if the sex offense(s) was (or were) a direct result of the fact that the applicant was a victim of domestic violence, dating violence, sexual assault, or stalking.

- B. Examples of When Adverse Factors Might Be a Direct Result of Domestic Violence, Dating Violence, Sexual Assault, Or Stalking

This section provides examples to give O/As a sense of the various instances in which an adverse factor may be a direct result of domestic violence, dating violence, sexual assault, or stalking.

On the surface, adverse factors may appear unrelated to domestic violence, dating violence, sexual assault, or stalking and may present legitimate reasons for denial, termination, or eviction. However, the presence of an adverse factor may be due to an underlying experience of domestic violence, dating violence, sexual assault, or stalking. An adverse factor may be present during much of an abusive relationship, or it may present itself only when a victim is attempting to leave, or has left, the abusive relationship. The following

examples are provided to give O/As a sense of the many instances in which adverse factors might be the “direct result” of domestic violence, dating violence, sexual assault, or stalking. Note, however, that this list is neither exhaustive nor definitive.

1. Poor credit history. Depending on the circumstances, poor credit history may be a direct result of domestic violence, dating violence, sexual assault, or stalking, when the domestic violence, dating violence, sexual assault, or stalking results in, for example-
  - a. Forcing a victim to obtain credit, including credit cards for the perpetrator’s use;
  - b. Using a victim’s credit or debit card without permission, or forcing him or her to do so;
  - c. Selling victims’ personally identifiable information to identity thieves;
  - d. Running up debt on joint accounts;
  - e. Obtaining loans/mortgages in a victim’s name;
  - f. Preventing a victim from obtaining and/or maintaining employment;
  - g. Sabotaging work or employment opportunities by stalking or harassing a victim at the workplace, or causing a victim to lose his or her job by physically battering the victim prior to important meetings or interviews;
  - h. Placing utilities or other bills in a victim’s name and then refusing to pay;
  - i. Forcing a victim to work without pay in a family business, or forcing him or her to turn the earnings over to the abuser;
  - j. Job loss or employment discrimination due to status as a victim of domestic violence, dating violence, sexual assault, or stalking;
  - k. Job loss or lost wages due to missed work to attend court hearings, seek counseling or medical care, or deal with other consequences of the crime, and
  - l. Hospitalization and medical bills the victim cannot pay or cannot pay along with other bills.
2. Poor rental history. Depending on the circumstances, poor rental history may be a direct result of domestic violence, dating violence, sexual assault, or stalking, when the domestic violence, dating violence, sexual assault, or stalking results in, for example-
  - a. Property damage;
  - b. Noise complaints;
  - c. Harassment;
  - d. Trespassing;

- e. Threats;
  - f. Criminal activity;
  - g. Missed or late utility payments(s);
  - h. Missed or late rental payment(s);
  - i. Writing bad checks to the landlord, and
  - j. Early lease termination and/or short lease terms.
3. Criminal record. Depending on the circumstances, a criminal record may be a direct result of domestic violence, dating violence, sexual assault, or stalking, when the domestic violence, dating violence, sexual assault, or stalking results in, for example-
- a. Forcing a victim to write bad checks, misuse credit, or file fraudulent tax returns;
  - b. Property damage;
  - c. Theft;
  - d. Disorderly conduct;
  - e. Threats;
  - f. Trespassing;
  - g. Noise complaints;
  - h. Family disturbance/trouble;
  - i. 911 abuse;
  - j. Public drunkenness;
  - k. Drug activity (drug use and the selling of drugs);
  - l. Crimes related to sex work;
  - m. Failure to protect a child from a batterer's violence and/or abuse;
  - n. Crimes committed by a victim to defend him or herself or in defense of a third party from domestic violence, dating violence, sexual assault, or stalking, and
  - o. Human trafficking.
4. Failure to pay rent. Depending on the circumstances, temporary failure to pay rent may be a direct result of domestic violence, dating violence, sexual assault, or stalking, when domestic violence, dating violence, sexual assault, or stalking results in, for example-
- a. The victim's injury or temporary incapacitation;

- b. The arrest of the only wage-earning member of the household;
- c. Preventing the victim from obtaining and/or maintaining employment;
- d. Sabotaging work or employment opportunities by stalking or harassing the victim at the workplace;
- e. Causing the victim to lose the victim's job by physically battering prior to important meetings or interviews;
- f. Placing utilities or other bills in the victim's name and then refusing to pay;
- g. Forcing the victim to turn his or her earnings over to the abuser;
- h. Forcing the victim to work without pay in a family business, Job loss or employment discrimination due to status as a victim of domestic violence, dating violence, sexual assault, or stalking;
- i. Losing wages or a job due to missing work to attend court hearings, seek counseling or medical care, or deal with other consequences of the crime, and
- j. Inability to pay bills after significant medical expenses resulting from the victim's hospitalization.

C. Determining When Adverse Factors Are a Direct Result of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

This section provides a framework for determining whether an adverse factor is a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

1. To trigger the direct result analysis, it is the responsibility of the applicant or tenant to:
  - a. Inform the O/A that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking, and
  - b. Provide enough information for the O/A to make a determination regarding the adverse factor he or she is claiming was a direct result of domestic violence, dating violence, sexual assault, or stalking.
2. After the O/A receives this information, the O/A should consider the individual's statement and any possible supporting documentation in determining if an adverse factor was a direct result of domestic violence, dating violence, sexual assault, or stalking.
3. If further information is necessary for this determination, the O/A may request additional supporting documentation from the applicant or tenant. However, any request for additional documentation must:

- a. Be in accordance with the O/As' policies or practices;
  - b. Not require evidence of domestic violence, dating violence, sexual assault, or stalking other than as specified in 24 CFR 5.2007 (see Section VIII of this Notice), and
  - c. Not violate the VAWA Final Rule's confidentiality requirements or any other laws.
4. If the O/A believes any information is not clear, it should speak to the victim and try to clarify the information. After the O/A has received the information from the applicant or tenant and, if necessary, clarified this information with the applicant or tenant, the O/A must make an objectively reasonable determination, based on all the circumstances, whether the adverse factor is a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Note:** Where an applicant or tenant fails to request VAWA protections, the O/A is not independently required to identify whether adverse factors are the direct result of domestic violence, dating violence, sexual assault, or stalking. O/As may seek training, where available, from a trained third-party (such as an expert victim service provider) on reviewing VAWA documentation. Any communications with a third party must be done consistent with the VAWA rule's confidentiality requirements.

#### D. Notification and Other Considerations

This Section discusses the need for notifying an individual and other considerations when the O/A determines that the denial, termination, or eviction of an applicant or tenant is not based on, or is not the "direct result" of that applicant or tenant being a victim of domestic violence, dating violence, sexual assault, or stalking.

O/As must notify the applicant or tenant if the O/A finds that the denial, termination, or eviction is not based on (or is not a "direct result" of) being a victim of domestic violence, dating violence, sexual assault, or stalking, and the applicant or tenant is thus denied admission to or assistance under, terminated from participation in, or evicted from the housing<sup>1</sup> (See 24 CFR 5.2005(b)(1).) O/As must follow the notification requirements at 24 CFR 245.15.

An applicant or tenant who disagrees with an O/A's determination must use the program's appeal procedures (pursuant to HUD Handbook 4350.3, REV-1, Chapter 8, Section 3) or else he or she may contact the local HUD field office.

In the case of a termination or eviction, O/As must comply with the prohibition in section 5.2005(d)(2), which provides that "...the O/A must not subject the tenant, who is or has

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<sup>1</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, "Occupancy Requirements of Subsidized Multifamily Housing Programs". Public comment will be solicited during the update process.

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 in determining whether to evict or terminate assistance”.

This means that even if the direct result prohibition does not apply, the O/A cannot use that violation to terminate or evict a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, if the O/A does not ordinarily terminate or evict tenants for that violation.

## **VIII. Certification and Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

### **A. Certification of domestic violence, dating violence, sexual assault, or stalking**

VAWA 2013 required that HUD create a certification form that serves as a means of documenting the incident or incidents of domestic violence, dating violence, sexual assault, or stalking. (See 24 CFR 5.2005(a).) The VAWA Final Rule transmitted this certification form, “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation”, form HUD-5382. The O/A must attach form HUD-5382 to the VAWA “Notice of Occupancy Rights”, form HUD-5380, as described in Section X of this notice.

Form HUD-5382 supersedes the Multifamily Housing VAWA certification form, HUD-91066, which is now obsolete.

O/As may accept this form and must make it publicly available and provide it upon request. Elements of the form are as follows:

1. Provides that VAWA 2013 protects applicants and tenants from being denied admission, denied assistance, terminated from participation, or evicted from housing based on an act of domestic violence, dating violence, sexual assault, or stalking;
2. Serves as an optional way for victims to comply with a written request for documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking for persons seeking VAWA protections;
3. Provides that the victim or someone on the victim’s behalf may complete the form;
4. Provides a list of acceptable forms of third-party documentation to satisfy a request for documentation, (See Section B below regarding requests for documentation);
5. Explains the time for responding to a written request for documentation;
6. Describes the confidentiality protections under VAWA;
7. Requires that the victim or someone filling out the form on the victim’s behalf must answer 10 numbered questions and provide a brief description of the incident(s);



8. Clarifies that the name of the accused perpetrator does not have to be provided if it is unknown to the victim or it cannot be provided safely;
9. Clarifies that the date and time of incident should be completed only if known by the victim, and
10. Requires the victim or someone filling out the form on the victim's behalf, to certify to the truth and accuracy of the information being provided, and explains that false information could be the basis for denial of admission, termination of assistance, or eviction.

When practicable, an O/A should advise applicants and tenants that, if it receives a certification form submitted on their behalf, the submission will take the place of the applicants or tenants submitting their own statements. Thus, applicants and tenants should ensure, to the extent possible, that the information provided by a third party is accurate and comprehensive.

The certification form HUD-5382, as required by 24 CFR 5.2005(a)(1)(ii), must be made available by the O/A in multiple languages, consistent with HUD's LEP Guidance. (See 24 CFR 5.2005(a)(3).) In addition, consistent with civil rights requirements, when obtaining information through the form, O/As must take appropriate steps to ensure effective communication with applicants and tenants with disabilities using appropriate auxiliary aids and services, such as large print or Braille documents, readers, interpreters, and accessible electronic documents. O/As must provide reasonable accommodations when necessary to allow applicants and tenants with disabilities to equally benefit from VAWA protections, such as by providing individualized assistance in completing forms.

B. Documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking

The VAWA Final Rule clarified several aspects of VAWA's certification or documentation process. (See 24 CFR 5.2007.) The information below discusses some of the clarifying changes made in the VAWA Final Rule, and provides additional guidance on the processing of this documentation.

1. Acceptance of Verbal Statement

The VAWA Final Rule clarifies that O/As are not required to ask for documentation when an individual presents a claim for VAWA protections; the O/A may instead choose to provide benefits to an applicant or tenant based solely on the individual's verbal statement or other corroborating evidence. HUD recommends that O/As develop written policies for how and under what circumstances a verbal statement will be accepted (e.g., the O/A was aware of the abuse and encouraged the victim to request VAWA protections).<sup>2</sup> It is recommended that in cases where an O/A decides

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<sup>2</sup> Public comment will be solicited during the update process.

to rely on such information, that the O/A documents, in a confidential manner, the individual's verbal statement or other corroborating evidence in the tenant's file.<sup>3</sup>

## 2. Requesting Documentation

If the O/A chooses to request that an applicant or tenant documents his or her claim of domestic violence, dating violence, sexual assault, or stalking, the O/A must make such request in writing. Simply providing the victim the certification form HUD-5382 does not constitute a written request for documentation, unless the certification form HUD-5382 is accompanied by a dated letter requesting documentation. (See 24 CFR 5.2007(a)(1).)

An applicant or tenant may satisfy this request by providing any one of the following documents as described under 24 CFR 5.2007(b)(1):

- a. Form HUD-5382; or
- b. A document:
  - 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a 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;
  - 2) Signed by the applicant or tenant; and
  - 3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
- c. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency (for example, a police report); or
- d. At the discretion of an O/A, a statement or other evidence provided by the applicant or tenant.

An O/A must accept any of the above items (a - c), as provided under 24 CFR 5.2007. For example, form HUD-5382 must be accepted in lieu of any of the third-party documents outlined above (b or c), if the applicant or tenant chooses to self-certify to satisfy the O/A's request for documentation and the submitted documentation does not contain conflicting information. The O/A also has discretion to accept a statement or other evidence (d). O/As are encouraged to develop written policies as to whether they

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<sup>3</sup> Public comment will be solicited during the update process.

will exercise discretion as provided for under (d). The policies should indicate whether a statement or other evidence will be accepted. If other evidence will be accepted, HUD recommends that the O/A's policies define "acceptable evidence."<sup>4</sup>

The O/A is prohibited from requiring third-party documentation of victim status, except as outlined in Section VIII.E of this Notice.

Given the possible consequences to both the victim and the alleged perpetrator of domestic violence, dating violence, sexual assault, or stalking, it is important that any allegations made by one individual against another are made with the understanding that there are consequences if the allegations are false. In this regard, form HUD-5382 advises that the submission of false information may be a basis for denial of admission, termination of assistance, or eviction.

#### C. Time to Submit Documentation

The O/A may require submission of documentation within 14 business days after the date that the individual received the written request for documentation. (See 24 CFR 5.2007(a)(2).) However, the O/A may extend this period at its discretion. During the 14-business day period and any granted extensions of that time, no adverse actions, such as eviction or termination, can be taken against the individual requesting VAWA protection. For example, O/As must not schedule an eviction to take place during this time frame.

In determining whether to extend the 14-business day period, O/As are encouraged to consider factors that may contribute to the victim's inability to provide the documentation in a timely manner. These factors may include, but are not limited to: cognitive limitations, disabilities, limited English proficiency, absence from the unit due to hospitalization or time in an emergency shelter, administrative delays in obtaining police or court records, the danger of further violence, and the victim's need to address health or safety issues. O/As must also grant reasonable accommodations for persons with disabilities. Note that because of these factors, the O/A might not be contacted by the victim with a request to extend the 14-business day period until after the 14-day period has passed.

#### D. Acknowledging Receipt of Documentation; Failure to Provide Documentation in a Timely Manner

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the O/A is encouraged to acknowledge receipt of the documentation in a timely manner.<sup>5</sup>

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<sup>4</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, "Occupancy Requirements of Subsidized Multifamily Housing Programs". Public comment will be solicited during the update process.

<sup>5</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, "Occupancy Requirements of Subsidized Multifamily Housing Programs". Public comment will be

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation, or within the designated extension period, nothing in the VAWA Final Rule may be construed to limit the authority of the O/A to:

1. Deny admission by the applicant or tenant to the housing or program;
2. Deny assistance under the covered housing program to the applicant or tenant;
3. Terminate the participation of the tenant in the covered housing program, or
4. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An applicant's or tenant's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings. If the O/A denies VAWA protections, it must still follow established appeal procedures, as set forth in HUD Handbook 4350.3, REV-1, Chapter 8, Section 3.

#### E. Requests for Third-Party Documentation of Victim Status

##### 1. Victim Status

When an applicant or tenant requests protection under VAWA, the VAWA Final Rule allows, but does not require, the O/A to require the applicant or tenant to submit documentation of victim status, i.e., documentation showing the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault or stalking. However, the VAWA Final Rule prohibits an O/A from requiring the victim to provide third-party documentation of victim status, unless:

- a. More than one applicant or tenant provides documentation to show he or she is a victim of domestic violence, dating violence, sexual assault, or stalking, and the information in one person's documentation conflicts with the information in another person's documentation, or
- b. Submitted documentation contains information that conflicts with existing information already available to the O/A.

##### 2. Documentation

In the case of 1a or 1b above, the regulations at 24 CFR 5.2007(b)(2) allow an O/A to require the applicants or tenants to submit third-party documentation that meets the criteria in 24 CFR 5.2007(b)(1)(ii), (b)(1)(iii), or (b)(1)(iv). Per these criteria,

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solicited during the update process.

applicants or tenants may submit any of the following to meet the third-party documentation request:

- a. A document:
  - 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a 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;
  - 2) Signed by the applicant or tenant; and
  - 3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
- b. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency (for example, a police report) that documents the incident of domestic violence, dating violence, sexual assault, or stalking, or
- c. At the discretion of the O/A, a statement or other evidence provided by the applicant or tenant.

### 3. Timeframe to Respond

- a. Applicants or tenants must be given 30 calendar days from the date of the request to provide such documentation. If an applicant or tenant responds with third-party documentation that meets the criteria in 2a, 2b, or 2c, above, and supports the applicant’s or tenant’s VAWA request, the O/A is prohibited from requiring further documentation of the applicant’s or tenant’s status as a victim of domestic violence, dating violence, sexual assault, or stalking.
- b. If an applicant or tenant does not submit any third-party documentation within the required time or submits documentation that does not meet the criteria in 2a, 2b, or 2c, above, the O/A may, but is not required to, accept that applicant or tenant’s assertion (form HUD-5382 or verbal statement) of victim status for the VAWA protections.

### 4. Contact Information of Service Providers and Legal Aid

When requesting third-party documentation, the O/A is encouraged to include contact information for local domestic violence agencies so that the applicants or tenants can seek services and plan for their safety. The O/A may also provide the applicants or tenants with contact information for local legal aid offices, which may be able to

assist in providing appropriate referrals, obtaining restraining orders, and preparing for grievance hearings.<sup>6</sup>

#### 5. Denying VAWA Protections and Other Factors to Consider

If the O/A requests, but does not receive, third-party documentation, the O/A has the option to deny VAWA protections and must notify the applicant or tenant. If this results in one of the tenants being terminated from assistance, the O/A must hold a separate hearing for that tenant, pursuant to HUD Handbook 4350.3, REV-1, Chapter 8, Section 3.

Alternatively, the O/A may develop or follow an existing family break-up policy that may provide assistance to both persons seeking VAWA protections.

If the documentation requirements are satisfied, the question of victim status is resolved, and the O/A may not require further evidence or question whether the person satisfies the requirements for VAWA protections.

Note 1: Perpetrators sometimes obtain temporary restraining orders or file police reports against victims as a form of retaliation. Further, many victims are unable to timely access the courts or law enforcement due to language barriers, disabilities, cultural norms, or fear for their safety. As a result, the fact that only one party submitted third-party documentation is not always a reliable indicator of domestic violence, dating violence, sexual assault, or stalking. A family break-up policy allowing assistance to be provided to both parties may alleviate a negative impact, such as loss of housing assistance.

Note 2: In the case of conflicting documentation between two tenants, if one tenant submits a court order addressing rights of access or control of the property (such as a protection order granting the victim exclusive possession of the unit), the O/A must honor this court order.

Example: A two-person household (Joan and John) was notified by an O/A that they were being evicted from their unit due to a history of neighbors having to call the police for loud disturbances coming from their unit in violation of the noise provision in their lease. Both Joan and John provide certifications to the O/A that both she and he are victims of domestic violence and the disturbances arose from the partner's abuse. The O/A has a policy of requesting third party documentation when there are conflicting certifications, so the O/A requests third party documentation individually from both members of the household.

Within 30 calendar days, the O/A receives third-party documentation from Joan with sufficient information for the O/A to determine that the disturbances and police calls

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<sup>6</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, "Occupancy Requirements of Subsidized Multifamily Housing Programs". Public comment will be solicited during the update process.

were a direct result of Joan being a victim of domestic violence. The O/A then treats Joan as a victim of domestic violence for purpose of VAWA and notifies John that the O/A will deny VAWA protections to him. The O/A will include in that notification a date for an eviction appeal hearing, pursuant to HUD Handbook 4350.3, REV-1, Chapter 8, Section 3.

Note: If Joan does not provide third-party documentation and the O/A, after good faith communication to obtain documentation, has found that Joan does not qualify for VAWA protections, the O/A must notify Joan that she does not qualify and the O/A may proceed with the eviction action against the entire household.

#### F. Documentation Conflicts with O/A Information

An applicant or tenant may satisfy a request for victim status documentation by submitting any document that meets the criteria under 24 CFR 5.2007(b)(1). The O/A must accept the submitted documentation and is prohibited from seeking additional documentation of victim status, unless the submitted documentation does not meet the criteria in the VAWA Final Rule or the submitted documentation contains conflicting information, including conflicting claims between two parties, as described above.

O/As are prohibited from conducting further fact finding in or to verify the “validity” of an applicant’s or tenant’s victim status. For example, O/As are prohibited from conducting interviews with neighbors or employers to determine if the applicant or tenant is an actual victim of domestic violence, dating violence, sexual assault, or stalking. Doing so would be in violation of the documentation requirements of the VAWA Final Rule and may result in a violation of the victim confidentiality requirements of the VAWA Final Rule.

However, if the O/A already has, or regularly receives, reliable information that conflicts with the submitted documentation, the O/A may require third-party documentation of victim status, based on information outside of the submitted documentation. Examples of reliable information include surveillance footage, police report(s), and other verifiable information. This information must not be collected for the purposes of discrediting claims for VAWA protections, but may be collected for other legitimate reasons, such as addressing safety in the community. If the applicant or tenant subsequently does not submit third-party documentation, or only submits third-party documentation that contains conflicting information that is material to a victim status determination, the O/A has the option to deny VAWA protections and must notify the applicant or tenant.

Note: Only consequential, conflicting information bearing on whether or not an individual is or is not a victim should form the basis for denying VAWA protections.

Given the possible consequences to both the victim and the alleged perpetrator of domestic violence, dating violence, sexual assault, or stalking, it is important that any

allegations made by one individual against another are made with the understanding that there are consequences if the allegations are false. In this regard, certification form HUD-5382 advises that the submission of false information may be a basis for denial of admission, termination of assistance, or eviction.

## **IX. VAWA Lease Addendum**

The VAWA Final Rule requires that a description of specific protections afforded to victims of domestic violence, dating violence, sexual assault, or stalking be included in the tenant lease. (See 24 CFR 5.2005(a)(4).) The Office of Multifamily Housing will soon issue an updated form HUD-91067, “VAWA Lease Addendum”, which will include the additional provisions required in the final rule. All O/As must use this updated form when providing or modifying a lease.

For reference, O/As should refer to 24 CFR Part 5, subpart L, and the applicable program regulations for required elements of the lease addendum. The updated lease provisions in HUD-91067 will include updates regarding:

1. Definitions (24 CFR 5.2003);
2. VAWA protections (24 CFR 5.2005);
3. Documenting the occurrence of domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2007), and
4. Remedies available to victims of domestic violence, dating violence, sexual assault, or stalking as applicable to the multifamily housing program, including emergency transfers (24 CFR 5.2009).

O/As must provide a new VAWA Lease addendum (when the revised form HUD-91067 is issued) to all current households. This may be done at each household’s next Annual Recertification (AR) or at another timely opportunity. All subsequent new move-ins must also receive the updated VAWA lease addendum.<sup>7</sup>

O/As are encouraged to include in their house rules any additional protections made available to victims of domestic violence, dating violence, sexual assault, or stalking.<sup>8</sup>

## **X. Notice of Occupancy Rights, form HUD-5380**

The VAWA Final Rule revises the requirements for notice of VAWA rights at 24 CFR 5.2005(a). VAWA 2013 requires that HUD create a notice of VAWA rights “Notice of Occupancy Rights”, form HUD-5380. The form is available in [Hudclips](#).

O/As must issue the VAWA Notice of Occupancy Rights without changes to the core protections and confidentiality rights in the Notice. However, O/As must customize the

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<sup>7</sup> These provisions will be included in the forthcoming Paperwork Reduction Act renewal package for 2502-0204.

<sup>8</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, “Occupancy Requirements of Subsidized Multifamily Housing Programs”. Public comment will be solicited during the update process.



Notice to reflect the specific assistance provided under the covered housing program and specify the program operations that may pertain to or affect the VAWA Notice of Occupancy Rights. For example, O/As must add to the VAWA Notice of Occupancy Rights information that identifies the covered housing program (e.g., Section 8 or PRAC), the company/organization or property name, and any additional information and terminology that is used in the pertinent program and makes the VAWA Notice of Occupancy Rights more meaningful to applicants or tenants. (For example, O/As may want to use the term “apartment” or “housing” in lieu of “unit”.) This may include additional language, so long as the language does not make changes to the core protections and confidentiality rights as noted above. For example, the additional language cannot add additional requirements to receive VAWA protections, but additional language may be provided to better explain VAWA.

The VAWA Final Rule does not establish all-inclusive requirements for how a victim of domestic violence, dating violence, sexual assault, or stalking requests VAWA protections from an O/A. As such, O/As must follow/include the requirements outlined in the VAWA Final Rule when establishing their own policies.

The VAWA Notice of Occupancy Rights, along with the attached certification form HUD-5382, must be provided to existing households, applicants, and new move-ins/initial certifications no later than each of the following times:

1. For applicants -
  - a. At the time the household is provided assistance or admission (i.e., at move-in (MI) or initial certification (IC)), and
  - b. At the time the applicant is denied assistance or admission.
2. For existing households -
  - a. Through December 15, 2017, at each household’s annual recertification (AR), and
  - b. With any notification of eviction or termination of assistance, (but not with subsequent eviction or termination notices sent for the same infraction).

If households have already had their AR for 2017 and they were not provided with the forms, the O/A must provide the forms to those households through other means by 12/15/2017. A note or documentation must be made in those tenant files indicating when the forms were provided to the household.

The VAWA Final Rule does not require an applicant/household to sign acknowledgement of receipt of the Notice of Occupancy Rights and certification form. Nonetheless, it is strongly recommended that O/As maintain a note or other documentation in each tenant’s file that indicates when each applicant or household was provided the forms at each of the times listed in 1a, 1b, 2a, and 2b above.

O/As are encouraged to provide the VAWA Notice of Occupancy Rights and certification form to households and tenants at any additional times determined to be helpful in informing tenants of their rights under VAWA. HUD also encourages O/As to post the VAWA Notice of Occupancy Rights and certification form on their websites and in public areas such as waiting rooms, community bulletin boards, and lobbies, where all tenants may view them. This will be particularly helpful for households whose next AR is many months away.<sup>9</sup>

Note: Even if the VAWA Notice of Occupancy Rights (form HUD-5380) and certification form (form HUD-5382) are provided in other ways, O/As still must provide the VAWA Notice of Occupancy Rights and certification form at each household's AR through December 15, 2017. After that date, HUD assumes all current households will have received the forms and the VAWA rule does not require O/As to provide the notice and certification form at future ARs.

The VAWA Notice of Occupancy Rights must be made available in multiple languages, consistent with guidance issued by HUD in accordance with Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency, signed August 11, 2000, and published in the Federal Register on August 16, 2000 (at 65 FR 50121) (HUD's LEP Guidance) (24 CFR 5.2005(a)(3))).

## **XI. Victim Confidentiality**

### **A. Introduction**

Given the significant safety issues faced by victims of domestic violence, dating violence, sexual assault, or stalking, it is critical that O/As establish or update existing policies to maintain the confidentiality and privacy of victims who seek protections under the VAWA Final Rule.

The VAWA Final Rule clarified that any information submitted to an O/A under 24 CFR 5.2007, including the fact that an applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in confidence by the O/A. (See 24 CFR 5.2007(c).)

1. Employees of the O/A (or those who administer assistance on their behalf, e.g., contractors) must not have access to the information unless explicitly authorized by the O/A for reasons that specifically call for these individuals to have access to such information under applicable Federal, State, or local law (e.g., the information is needed by a O/A employee to provide the VAWA protections to the victim), and
2. The O/A must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

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<sup>9</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, "Occupancy Requirements of Subsidized Multifamily Housing Programs". Public comment will be solicited during the update process.

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

The prohibition against entering this information into any shared database does not preclude an O/A from entering this information into a database system used by the O/A that meets all requirements for securing sensitive personally identifiable information (PII), including the Privacy Act of 1974 (5 U.S.C. § 552a), in addition to the protections listed above and provided at 24 CFR 5.2007(c).

## B. Communicating with the Victim

When communicating with an applicant or tenant who has requested VAWA protections, O/As must take precautions to avoid inadvertent disclosure of confidential information to another individual or entity in violation of 24 CFR 5.2007(c). Unless given permission from the victim to do so, the O/A must not leave messages that contain confidential information or refer to VAWA, the VAWA protections, or the incident of domestic violence, dating violence, sexual assault, or stalking (e.g., asking the victim to come to the management office to pick up form HUD-5382) on the victim's voicemail system or with other individuals, including members of the victim's household. Leaving a voicemail requesting that the victim contact the O/A without referencing VAWA, VAWA protections, or the incident of domestic violence, dating violence, sexual assault, or stalking, is permissible. Best practices demonstrate that O/As should not send mail regarding the incident of domestic violence, dating violence, sexual assault, or stalking (e.g., a written request to complete form HUD-5382 or a written extension of the 14-business day timeframe to respond to the O/A's request for documentation) to the victim's address, if the perpetrator may have access to the victim's mail (e.g. the perpetrator is the co-head of household or the perpetrator is employed at the victim's residence).

The VAWA Final Rule is silent on how an O/A is to balance the confidentiality requirement at 24 CFR 5.2007(c) with the requirement at 24 CFR 5.2007(a) when requesting documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking in writing. O/As may determine the procedures for requesting documentation in writing on a case-by-case basis, or adopt general policy guidelines for how to handle these requests. For example, policies should state whether the applicant or tenant requesting VAWA protections is required to come to an office or other space that may be safe for the individual to receive the written request and that reasonable accommodations will be made as necessary.<sup>10</sup>

If the victim gives the O/A permission to contact him or her about the incident of domestic

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<sup>10</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, "Occupancy Requirements of Subsidized Multifamily Housing Programs". Public comment will be solicited during the update process.

violence, dating violence, sexual assault, or stalking via mail, voicemail system, electronic mail, or other method approved by the victim, best practice would be to ensure this permission is in writing. If it is not feasible for the victim to provide the permission in writing, the O/A may make a note in the tenant's file about which forms of communication with the victim have been approved by the victim. The written permission or notation must be kept confidential.

When discussing these matters directly with the victim, O/As must take reasonable precautions to ensure that no one can overhear the conversation. For example, property management employees are encouraged to make the documentation request in a private room, not in an open space at the property. O/As may require that the victim come into the management office to pick up the certification form and are encouraged to work with victims to make delivery arrangements that do not place them at risk.<sup>11</sup>

The O/A must comply with all nondiscrimination and civil rights statutes and requirements in implementing its policies. This includes, for example, providing reasonable accommodations to permit applicants or tenants to follow or access any rules, policies, practices, or services. An example is modifying a policy requiring that the victim come into the office to pick up the certification form and instead deliver the form to the victim. This also includes ensuring effective communication with persons with disabilities, e.g., providing sign language interpreters for persons who are deaf, accessible documents and assistance filling out forms for persons who are blind or have low vision, and language assistance for persons with limited English proficiency.

O/As may suggest, but cannot require, that the victim designate an attorney, advocate, or other secure contact for communications regarding the request of VAWA protections. This may reduce the O/A's burden in ensuring confidentiality in communications with the victim.

### C. Best Practices to Collect Information and Avoid Unintentional Disclosure

The following best practices are designed to address the challenges of collecting information from and communicating with a victim of domestic violence, dating violence, sexual assault, or stalking while meeting the confidentiality requirements in the rule.

1. Conduct the intake session in a private room, where the individual and staff person can talk without the risk of other staff or clients overhearing;
2. Explain the O/A's information sharing policies;
3. Communicate to the individual which property management staff person is responsible for handling questions or complaints about confidentiality;
4. Provide adequate time for the individual to review and sign forms;

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<sup>11</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, "Occupancy Requirements of Subsidized Multifamily Housing Programs". Public comment will be solicited during the update process.

5. Post confidentiality notices in the management office and around the property;
6. Ensure relevant staff understand confidentiality policies and procedures through regular staff training;
7. Post notices about the importance of maintaining confidentiality throughout the office;
8. Direct staff to respond to third-party inquiries only after verifying that written client consent has been obtained;
9. Clarify information sharing policies with referring/referral agencies and other service and business partners;
10. Maintain distinct phone lines for certain purposes;
11. Avoid using language referencing domestic violence or sexual assault in agency names, program names, organization names, and staff titles;
12. Use a post office (PO) box to receive written correspondence;
13. Serve individuals off-site as needed or when appropriate;
14. Provide interpretation and/or documents translated into the appropriate language when necessary, and
15. Provide accessible documents or assistance filling out forms for individuals with disabilities.

## **XII. Emergency Transfers**

### **A. Emergency Transfer Plan**

1. The VAWA Final Rule requires O/As to adopt an Emergency Transfer Plan, based on HUD's model Emergency Transfer Plan (form HUD-5381). The model Emergency Transfer Plan is available in [Hudclips](#). (See 24 CFR 5.2005(e).)

Note: Specific to the 811 PRA program, the state housing agency, or Grantee, will adopt the Emergency Transfer Plan.

2. O/As must adopt an Emergency Transfer Plan no later than June 14, 2017. Note: For Management and Occupancy Reviews (MORs) conducted after the publication of this Notice through December 13, 2017, reviewers should issue a Recommendation, rather than a Finding, for non-compliance relating to the Emergency Transfer Plan. For MORs conducted after December 14, 2017, a Finding should be issued for non-compliance relating to the Emergency Transfer Plan.
3. The Emergency Transfer Plan must:
  - a. Define tenants eligible for an emergency transfer;

- b. List documentation needed to request an emergency transfer;
  - c. Outline confidentiality protections, and
  - d. Describe how an emergency transfer may occur.
4. The Emergency Transfer Plan may require documentation from a tenant seeking an emergency transfer, pursuant to 24 CFR 5.2005(e)(10) and 24 CFR 5.2007 and further explained in Section VIII.B of this Notice. However, a tenant is not required to provide documentation other than that which is specified in 24 CFR 5.2005(e)(10). (See 24 CFR 5.2005(e)(10)(iii).)
  5. The O/A's Emergency Transfer Plan must allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to make an internal emergency transfer under VAWA when a safe unit is immediately available. An internal emergency transfer is further explained in Section XII.D of this Notice. A victim determines whether the unit is safe. (See 24 CFR 5.2005(e)(1)(iii)). The VAWA Final Rule does not define "*immediately available*". A best practice would be to define "immediately available" as a vacant unit, ready for move-in within a reasonable period of time, as defined in the O/A's Emergency Transfer Plan, where the O/A also defines "*reasonable period of time*" based on local factors. HUD encourages O/As to engage the victim in a conversation regarding what he or she considers safe or what factors the victim considers unsafe. This may allow the O/A to better tailor its emergency transfer response.
  6. The Emergency Transfer Plan must describe policies for assisting a tenant in making an internal emergency transfer when a safe unit is not immediately available, and describe reasonable efforts the O/A will take to assist a tenant who wishes to make an external emergency transfer when a unit that meets the victim's safety standard is not available.
  7. The Emergency Transfer Plan must also incorporate strict confidentiality measures. (See 24 CFR 5.2005(e)(4).)
  8. In developing the Emergency Transfer Plan, O/As are encouraged to review their transfer waiting list policies in their Tenant Selection Plans, to determine if revisions are necessary to facilitate emergency transfers. In determining whether changes to the existing waiting list policies are necessary, O/As may want to consider the following:
    - a. Availability and location of units at the tenant's property;
    - b. Demand by applicants for assistance;
    - c. Frequency of internal transfer requests, and
    - d. Availability of alternative housing opportunities.

## B. Eligibility for Emergency Transfers

1. The Emergency Transfer Plan must provide that a tenant residing in a unit subsidized under a covered housing program and who is a victim of domestic violence, dating violence, sexual assault, or stalking, qualifies for an emergency transfer if:
  - a. The tenant expressly requests the transfer; and
  - b. Either -
    - 1) The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit, or
    - 2) In the case of sexual assault, 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. (See 24 CFR § 5.2005(e)(2).)

A tenant's reasonable belief that there is a threat of imminent harm from further violence may stem from an incident of domestic violence, dating violence, sexual assault, or stalking of a household member.

2. The Emergency Transfer Plan should also make clear that qualifying for an emergency transfer does not guarantee continued assistance under the current program or an external transfer to another covered housing program. The emergency transfer requirements do not supersede any eligibility or occupancy requirements that may apply under a covered housing program. (See 24 CFR 5.2005(e)(13).)

This means that even if a tenant at Property A is eligible to request an emergency transfer, the tenant cannot move into Property B if the tenant does not meet the program eligibility or occupancy requirements at Property B. For example, if a tenant qualifies for an emergency transfer at Property A to escape an abusive partner, but the tenant does not meet the program eligibility requirements at Property B (must be age 62 at an elderly property), the tenant cannot be rehoused at Property B under that program.

An external emergency transfer is further explained in Section XII.D of this Notice.

### C. Emergency Transfer Request

1. The O/A's Emergency Transfer Plan must indicate how a tenant may request an emergency transfer. An O/A may either allow for a verbal statement/self-certification or require a written request before any transfer occurs. An O/A should include in its Emergency Transfer Plan and related VAWA policies whether verbal statements/self-certification is sufficient to initiate an emergency transfer.
2. The verbal statement/self-certification, if permitted, or the written request must include:

- a. A statement that the tenant requests an emergency transfer because the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit, or
- b. A statement that the tenant requests an emergency transfer because the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar day period preceding the tenant's request for an emergency transfer.

HUD has created a model Emergency Transfer Request document that O/As requiring written request for emergency transfer may use (form HUD-5383). O/As using the emergency transfer request document must make it available to the tenant. O/As and tenants can download the model Emergency Transfer Request document from [Hudclips](#).

3. The model Emergency Transfer Request document, form HUD-5383 -
  - a. Provides that victims of domestic violence, dating violence, sexual assault, or stalking may use this form to request an emergency transfer;
  - b. May be used to certify that the victim meets the requirements of eligibility for an emergency transfer under VAWA;
  - c. Defines the qualifications for an emergency transfer;
  - d. Allows victims who have third-party documentation that demonstrates why they are eligible for an emergency transfer to submit this information to the O/A if it is safe to do so;
  - e. Describes the confidentiality protections under VAWA;
  - f. Provides examples of acceptable third-party documentation;
  - g. Requires that the victim answer numbered questions;
  - h. Clarifies that the name of the accused perpetrator does not have to be provided if it is unknown to the victim or it cannot be provided safely, and
  - i. Requires the victim to certify to the truth and accuracy of the information being provided, and explains that false information could be the basis for denial of admission, termination of assistance, or eviction.

O/As are encouraged to customize the model Emergency Transfer Request document (form HUD-5383) to reflect the specific assistance provided under the particular housing program and to the relevant program operations that may pertain to or affect the emergency transfer provisions. For example, the model Emergency Transfer Request document does not include details about a O/A's emergency transfer policy, because it is incumbent upon the O/A to provide such information in its Emergency Transfer Plan.

An O/A may also request in writing that the victim provide documentation of an occurrence



of domestic violence, dating violence, sexual assault, or stalking in accordance with the regulation at 24 CFR 5.2007. However, third party documentation may not be required to qualify the tenant for an emergency transfer.

#### D. Emergency Transfer Policies

The VAWA Final Rule requires O/As to establish policies for internal and external emergency transfers, which must be included in the Emergency Transfer Plan. (See 24 CFR 5.2005(e)(1).)

The VAWA Final Rule did not change an O/A's authority to establish and define other transfer policies; it only requires that new policies be established for transfers under VAWA. Emergency transfers include internal transfers and external transfers.

##### 1. Internal Transfers

- a. An internal transfer is a transfer within the same single or scattered site property in which the tenant requesting the transfer resides. The transfer can be performed without the tenant reapplying for housing assistance.
- b. The Emergency Transfer Plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The plan must also describe policies for assisting tenants when a safe unit is not immediately available. Those policies must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that O/As may already provide to other types of emergency transfer requests.
- c. Often O/As will not have a unit which is immediately available and/or that the victim determines is safe within the same property or in another building that is part of the same scattered site property. The O/A must have a policy to assist the tenant in obtaining a safe unit within the property once one becomes available. If the O/A has an internal transfer waiting list, the victim should be placed on that list. As mentioned above, the O/A's policy should state whether or not the O/A will give priority to victims of domestic violence, dating violence, sexual assault, or stalking on their internal transfer waiting list. This is the O/A's choice.<sup>12</sup>
- d. In addition, if a safe unit is not immediately available, the O/A must, at the same time, offer the tenant assistance in making an external transfer. The O/A and victim should discuss why an internal transfer is not viable at that time and what external transfer options are available based on the Emergency Transfer Plan.

##### 2. External Emergency Transfers

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<sup>12</sup> HUD will propose such additions when next updating HUD Handbook 4350.3 REV-1, CHG-4, "Occupancy Requirements of Subsidized Multifamily Housing Programs". Public comment will be solicited during the update process.

An external emergency transfer refers to a tenant's physical move out of the property in which he or she resides or out of a form of assistance, where the tenant would be categorized as a new applicant. For example, a move from Property A to Property B is an external transfer – this also means that the household goes from being a tenant at Property A to an applicant at Property B.

O/As are required to make reasonable efforts to assist a tenant who requests to make an external emergency transfer when a safe unit at the current property is not immediately available. O/As are not required to research available units and/or arrange for the move, but they can if they choose. An O/A's reasonable efforts should include providing contact information for relevant local service providers, government agencies, and other affordable housing developments in the area.

- a. O/As' Emergency Transfer Plans must include the following in their external transfer policies:
  - 1) A description of the reasonable efforts the O/A will take to assist a victim who wishes to move to alternative housing, if a safe unit is not immediately available. For example, the Plan could include providing the victim with names, addresses, or phone numbers of domestic violence advocacy organizations that stand ready to assist victims of domestic violence on an emergency basis. In addition, the O/A can provide a list of other local O/As of private market or other government-assisted housing, who could possibly offer assistance to a victim of domestic violence, dating violence, sexual assault, or stalking;
  - 2) A statement that a tenant must be allowed to seek an internal and external emergency transfer concurrently if an internal safe unit is not immediately available. For example, if there will not be any vacancies in the tenant's current property for the foreseeable future, a victim may seek an internal and external emergency transfer concurrently.
  - 3) Policies for both assisting a tenant/applicant who is seeking an external emergency transfer under VAWA out of the O/A's property (move-out from Property A) and an applicant who is seeking an external emergency transfer under VAWA into the O/A's property (move-in at Property A).
- b. HUD strongly encourages O/As to consider the following when creating their external emergency transfer policies:
  - 1) Making available a list of similar assisted housing options in an area requested by the victim. A housing search can be completed on HUD's website [here](#).
  - 2) Making arrangements including memoranda of understanding, with other O/As/Public Housing Agencies (PHAs) to facilitate moves.

- 3) Conducting outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking (see Section XIV of this Notice for additional guidance on developing partnerships with victim service providers);
  - 4) Creating an admissions preference for victims seeking an external emergency transfer from another covered housing provider (e.g. O/A to PHA). This would allow a victim to more quickly access an available unit administered by an O/A or PHA without being placed on the bottom of an applicant waiting list. (See Section XIX of this Notice for additional guidance on adopting an admissions preference.)
  - 5) Providing a letter that the victim may share with prospective covered housing providers, indicating that the victim is eligible for an emergency transfer and is seeking an external emergency transfer because a safe unit is not immediately available at the O/A's property.
- c. O/As must also comply with state specific VAWA laws which may provide additional requirements for emergency transfer policies, such as a requirement to create an admissions preference for victims of domestic violence, dating violence, sexual assault, or stalking.

In summary, if an O/A's property is fully occupied and the O/A is unaware of other vacant units in the area, HUD encourages O/As to make their best effort to support victims in finding a safe place to live.

#### E. Emergency Transfer Example

Scenario: A tenant approaches property management staff, informing them that she is a victim of dating violence and fearful of further violence. The household consists of the victim (head of household) and two children under the age of 18.

Step 1: The O/A provides the victim with the VAWA Notice of Occupancy Rights (form HUD-5380) and certification form (form HUD-5382) to ensure that she understands the rights and protections afforded her.

Step 2: The O/A can decide to accept the victim's verbal statement for VAWA protections or may request documentation per 24 CFR 5.2007.

Step 3: The O/A accepts the documentation (if requested), as provided under 24 CFR 5.2007, or verbal statement requesting VAWA protections.

Step 4: The victim informs the O/A that she is seeking an emergency transfer and reasonably believes there is a threat of imminent harm from further violence if she remains in her current unit.

Step 5: The O/A can decide to accept the victim's verbal request for an emergency transfer or it can ask for a written request for the emergency transfer.

Step 6: The O/A accepts the verbal or written request (if requested and as provided in 24 CFR 5.2005(e)(10)) for the emergency transfer.

Step 7: The O/A refers to its Emergency Transfer Plan to work with the victim and inform her of options (as set forth in the Emergency Transfer Plan).

1. Internal Transfer:

a. The O/A offers to put the victim on an internal transfer waiting list. A safe unit is not immediately available. Because a safe unit is not immediately available, the O/A also explains external emergency transfer options.

2. External Transfer:

a. The O/A provides or tells the victim how to obtain a list of O/As in the community as well as a list of O/As with which the O/A has partnered to serve victims of domestic violence, dating violence, sexual assault, or stalking.

Step 8: The O/A informs the victim that local victim service providers may be able to assist her in identifying temporary shelter. The providers may have resources such as safety planning, counseling, and emergency funding. The O/A provides the victim with contact information.

Step 9: The victim decides to stay in her current assisted housing unit until she is able to secure another assisted housing unit. Although not required under HUD's rule, the O/A takes steps to reduce the threat of further violence against the victim. Examples include changing the victim's locks (pursuant to the O/A's lock replacement policy and state and local laws); installing better lighting around the perimeter of the building, and reminding the victim that she is allowed temporary absence from the unit in accordance with the O/A's policies.

Step 10: An assisted unit becomes available at the tenant's current property. The O/A notifies the victim of the availability of a unit and provides a tour of the unit.

Step 11: The victim determines the unit to be safe. The O/A expeditiously follows its policies for the internal transfer.

### **XIII. Record Keeping and Reporting Requirements**

The VAWA Final Rule requires O/As to keep confidential records of all emergency transfers requested under its Emergency Transfer Plan and the outcomes of such requests, and to retain these records for a period of three years, or for a period as specified in program regulations. (See 24 CFR 5.2005(e)(12).)

The VAWA Final Rule further requires that these requests and outcomes of such requests be reported to HUD annually. HUD plans to add these data elements to a future release of the Tenant Rental Assistance Certification System (TRACS). HUD is considering adding the

following items:

1. Number of emergency transfer requests received;
2. Number of requests resolved;
3. Number still pending;
4. Outcomes of requests-
  - a. Number of internal unit transfers (within same project);
  - b. Number relocated to other HUD-funded housing sites (e.g. other multifamily assisted, public housing/housing vouchers, or HOME);
  - c. Number of other move-outs, and
  - d. Number of tenants who chose to remain in unit.

The requirement to report this information to the Office of Multifamily Housing is not in effect until TRACS has been updated and Multifamily Housing completes the Paperwork Reduction Act (PRA) requirements for adding these data.

HUD will communicate additional details about the reporting requirement at a later date. HUD notes, however, that it would be beneficial for O/As to maintain this information to facilitate future reporting.

#### **XIV. Developing Partnerships with Victim Service Providers**

HUD encourages Emergency Transfer Plans to be developed in consultation and collaboration with other public and private organizations and entities that are dedicated to helping victims of domestic violence, dating violence, sexual assault, or stalking. HUD encourages ongoing O/A efforts to strengthen access to supportive services for victims of domestic violence, dating violence, sexual assault, or stalking. Some O/As have developed valuable relationships with domestic violence victim advocates, legal aid services, and law enforcement agencies to ensure that victims are getting the necessary supportive services they need.

HUD also encourages O/As to reach out to other O/As in their jurisdiction, and strive to establish a relationship in which they, whether private market or government-assisted, help one another, to the extent feasible, address emergency domestic violence, dating violence, sexual assault, or stalking situations. Emergency Transfer Plans must be designed to facilitate a transfer as quickly as possible. Therefore, HUD recommends including reference to such other resources in the Plan.

O/As are encouraged to share their best practices in developing a strong domestic violence, dating violence, sexual assault, or stalking education and service program. Such practices have included:

1. Participating in regular domestic violence working groups with domestic violence victim advocates, legal aid services, and law enforcement agencies;
2. Inviting domestic violence victim advocates to speak to resident groups and property management staff;
3. Providing easy-to-access and easy-to-understand information pamphlets;

4. Facilitating counseling and support groups through available community space;
5. Working with domestic violence victim advocates to make policy changes to better protect victims, and
6. Establishing applicant admission preferences to prioritize victims for housing assistance, including victims referred through the local HUD-funded Continuum of Care (CoC). (CoCs manage the distribution of Continuum of Care program funds to homeless service providers in their jurisdictions.)

These efforts can also help O/As identify local domestic violence experts for participation in grievance hearings.

The U.S. Department of Justice Office on Violence Against Women maintains resources that may be of assistance to communities seeking to learn more about domestic violence, dating violence, sexual assault, or stalking, or those seeking contact information for national advocacy groups. This information is available at <https://www.justice.gov/ovw>.

## **XV. Family Break-up**

The occurrence of domestic violence, dating violence, sexual assault, or stalking may lead to the break-up of the assisted family in many instances. Family break-up involves terminating the assistance of the perpetrator while continuing the assistance to the victim; ensuring that the victim understands his or her rights; documenting the abuse; maintaining the confidentiality of the victim, and ensuring the safety of the victim.

Changes to a family's composition must be reported to the O/A in accordance with the terms of the lease. The lease includes a requirement that the tenant transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the O/A that such a dwelling unit is available. O/As must follow the lease and their written internal transfer waiting list policies in their Tenant Selection Plans in instances where the change in family composition would require that the family move to another unit of appropriate size.

To help O/As understand each of the steps involved with this process, this Notice presents the following scenario:

Note: The example below provides a scenario that is fact-intensive. Real-world cases of victims seeking VAWA protections must be approached in a way that takes in consideration the specifics of each case, and addressed pursuant to program requirements and O/A management policy.

A victim informs the O/A that his or her family member is committing domestic violence against him or her and he or she wishes to retain assistance. The victim may choose to inform the O/A of the abuse after the O/A has notified the household that it is being evicted (due to criminal activity, for example), or at any other point.

Step 1: If the O/A previously has not provided notification to the family members of their VAWA rights, then in accordance with 24 CFR 5.2005(a)(2), the O/A must provide

notice to the victim of his or her VAWA rights. If he or she has been previously notified of his or her VAWA rights, the O/A is encouraged to again provide the victim with the VAWA Notice of Occupancy Rights and certification form, to ensure that he or she fully understands the rights and the protections afforded him or her.

- Step 2: The O/A can decide to accept the victim's statement, or request documentation per 24 CFR 5.2007.
- Step 3: Upon provision of documentation (if requested and provided as specified in 24 CFR 5.2005(7), the O/A is encouraged to ensure the victim knows of the upcoming notification of eviction of the perpetrator, including the exact date the notification will take place. As part of this notification to the victim, the O/A is encouraged to provide the victim with contact information for local victim service providers – providing the victim an opportunity to create a plan of action (e.g., the victim may need to leave the unit temporarily and stay in a domestic violence shelter until the eviction takes place). The O/A is encouraged to utilize any partnerships it may have established with local law enforcement and victim service providers to ensure the safety of the victim.
- Step 4: The O/A begins the process to evict the perpetrator. If the victim wants to move out of the unit for his or her safety, the O/A must first determine if the tenant qualifies for an emergency transfer and then follow its Emergency Transfer Plan. If the victim wants to stay in the unit, the O/A bifurcates the lease by evicting the perpetrator and allowing the victim to remain on the lease. The O/A must expeditiously conduct an Interim Recertification (IR) to determine the new rent computations. The O/A should refer to HUD Handbook 4350.3, REV-1, Chapter 7 for the requirements of processing an IR if there is a change in family composition.
- Step 5: The O/A should provide the perpetrator with no more than 30 days (in most cases) notice of termination (24 CFR 247.4(c)). If the perpetrator requests a hearing, the O/A is encouraged to conduct an expedited hearing within no more than 10 days following the effective date of the notice.

The perpetrator has a right to examine the O/A's documentation relevant to the eviction. This means the perpetrator has a right to examine the relevant documentation the victim provided, claiming VAWA protections. This documentation is required for use in an eviction proceeding or hearing regarding termination of assistance from the covered housing program. (This is an exception to the victim's confidentiality rights, per 24 CFR 5.2007(c)(2)). To protect the victim's safety, any information that would reveal the location of the victim, or the location of any services that the victim is receiving must be maintained confidentially (i.e. redacted from the shared documentation), unless it meets the exception in 24 CFR 5.2007(c)(2)(ii).

O/As are encouraged to consult a local domestic violence expert or victim service

provider (that has not worked with either the victim or perpetrator), to be on the grievance hearing panel.

The hearing officer or hearing panel provides the perpetrator with a written decision.

Step 6: If it is determined that the perpetrator did indeed commit the acts, the case will then be moved to eviction court.

Step 7: If the eviction process is upheld, the O/A processes the IR to remove the household member and completes the bifurcation of the lease agreement.

## **XVI. Lease Bifurcation**

In accordance with 24 CFR 5.2009(a), O/As may choose to bifurcate a lease (or remove a household member or lawful occupant from a lease) to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. Under VAWA Final Rule, and consistent with the statute, VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases. For example, some jurisdictions may prohibit partial or single tenant evictions.

To avoid unnecessary delay in the bifurcation process, HUD recommends that O/As seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the O/A regains possession of the unit. The O/A would then execute a new lease with the victim.

HUD also encourages O/As to simultaneously attempt to reach agreement to the mutual termination of the lease, if it is safe to do so.

## **XVII. Reasonable Time to Establish Eligibility Following Bifurcation of a Lease**

The Final Rule at 24 CFR 5.2009(b) establishes a reasonable time period for remaining family member(s) to demonstrate eligibility for housing assistance or find alternative housing following lease bifurcation. In this situation, the remaining family member(s), prior to the lease bifurcation, had not established eligibility for the housing assistance. This would be applicable to mixed families, where assistance was provided to the perpetrator and the victim is a member of the household who hasn't contended eligible immigration status or to a remaining family member who did not otherwise meet the program eligibility requirements (e.g. a remaining family member under the age of 62 in an elderly property).

In most cases, the O/A shall provide to the remaining family member(s) a period of 90- calendar days from the date of lease bifurcation to:



- Establish eligibility for the same housing program that provided assistance to the evicted or terminated tenant;
- Establish eligibility under another covered housing program, or
- Find alternative housing.

The 90-calendar day period provided above will not be available to a remaining household member if the statutory requirements for the program prohibit it. In addition, the 90-calendar day period will not apply beyond the expiration of a lease, unless this is permitted by program regulations.

The chart below explains the statutory limitations to eligibility (age, immigration status, etc.) which may prevent remaining tenants from establishing eligibility.

Program	Possible Eligibility Limitations	Regulatory Provision	Reasonable Time Period to Remain in Unit
Section 202/811 PRAC and SPRAC	Age (for Section 202) and disability (for Section 811)	24 CFR 5.2009	90-calendar days or when the lease expires, whichever is first
Section 202/8	Age or disability; Immigration Status	24 CFR 5.2009	90-calendar days or when the lease expires, whichever is first; 30-calendar days if immigration status is an eligibility limitation
Section 221(d)(3)/(d)(5)		24 CFR 5.2009	All residents already meet eligibility
Section 236 (including RAP)	Immigration Status	24 CFR 5.2009	30-calendar days to meet eligibility
Project-based Section 8 and Mod Rehab/SRO	Immigration Status	24 CFR 5.2009	30-calendar days to meet eligibility

Tenant rent payments must be modified for the remaining family members during the 90-calendar day time-period. O/As should perform an IR for the remaining family members at the same time the lease bifurcation is done. The effective date of the IR should be in accordance with HUD Handbook 4350.3, REV-1, Chapter 7. Note: As a result of lease bifurcation, it may be necessary to transfer the existing household to an appropriate unit size in accordance with the lease.

In some cases, the lease bifurcation may result in an increase in tenant rent (or Total Tenant Payment (TTP)). The O/A must ensure the remaining tenant is provided the proper notice of increase in accordance with HUD Handbook 4350.3 REV-1, Chapter 7, Section 2 and/or local and state laws.

If the remaining family member will not be able to establish eligibility (for example a 55-year

old remaining in a Section 202 PRAC), the household is not eligible to receive subsidy. In this case, the remaining family member must then pay market rent for the duration of the 90-calendar day period or move-out, whichever comes first.

Note: The member removed from the household will remain active in the Tenant Rental Assistance Certification System (TRACS) and the Enterprise Income Verification (EIV) system until the effective date of the newly performed IR.

### **XVIII. Termination of the Victim Due to “Actual and Imminent Threat” and Any Violation Not Premised on an Act of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

The VAWA Final Rule at 24 CFR 5.2005 prohibits denial of admission or assistance, termination of assistance, or eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. However, nothing in the VAWA Final Rule may be construed to limit the authority of an O/A to evict or terminate assistance 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. (See 24 CFR 5.2005(d)(2).)

In addition, nothing in the VAWA Final Rule may be construed to limit the authority of the O/A to terminate assistance or evict a tenant if the O/A can demonstrate that an actual and imminent threat to other tenants or those employed at or providing services to the property would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 24 CFR 5.2005(d)(3).)

In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the O/A must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

“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:

1. The duration of the risk;
2. The nature and severity of the potential harm;
3. The likelihood that the potential harm will occur, and
4. The length of time before the potential harm would occur.

Eviction or termination of assistance should only be used by an O/A when there are no other actions or remedies to reduce or eliminate the threat, including when actions or remedies are unavailable. This is the case even when time periods could reasonably be called “immediate.” Some possible actions for an O/A to take to reduce or eliminate the threat are listed at 24 CFR 5.2005(d)(4) and in this Section. HUD encourages O/As to work with local law enforcement to prevent or remedy instances where a threat may occur to better protect the victim and other

tenants in the community.

An O/A may consider the following actions to reduce or eliminate an “actual and imminent” threat:

1. Barring the perpetrator from the property (where state and local laws permit);
2. Changing the victim’s locks (pursuant to the O/A’s lock replacement policy and state and local laws);
3. Installing basic security features (e.g., better lighting or an alarm);
4. Encouraging the victim to seek an emergency transfer;
5. Allowing an early lease termination;
6. Allowing the victim to arrange for temporary absence from the assisted unit;
7. Helping the victim access available services and support (e.g., providing information for a local victim service provider and civil legal assistance providers, to help the victim get any necessary court orders), and/or
8. Working with police and victim service providers to develop a safety plan for the property and a plan of action for the victim.

O/As must follow guidance in HUD Handbook 4350.3, REV-1, Chapter 8-13, “Material Noncompliance with the Lease”.

## **XIX. Establishing Waiting List Preferences**

O/As may establish an admission preference for victims of domestic violence, dating violence, sexual assault, or stalking. An O/A does not need HUD approval to adopt a VAWA preference – this is an acceptable owner-adopted preference under 24 CFR 5.655(c)(4). O/As must modify their Tenant Selection Plan to include the owner-adopted preference. The Tenant Selection Plan will be reviewed during the property’s MOR.

HUD encourages O/As to work collaboratively with health care providers, social service providers, homeless service providers, CoCs, and local offices of government and community organizations to establish a system of preferences based on local housing needs, collectively identified by the community.

O/As may create a preference or limited preference specifically for people who are referred by a partnering service organization or consortia of organizations. The O/A may not limit the source of referrals to an agency, organization, or consortia that denies its services to members of any Federally protected class under fair housing laws, e.g., race, color, religion, national origin, sex, disability, or familial status. For example, an O/A may not limit the source of referrals to only service providers of female victims of domestic violence, dating violence, sexual assault, or stalking.

Note: Owners must receive HUD approval to adopt an admissions preference not specified under 24 CFR §5.655(c)(1) - (c)(5). To assist in establishing owner-adopted preferences, refer to: 24 CFR 5.655, HUD Handbook 4350.3, REV-1, Chapter 4-6, or Housing Notice 2013-21 *“Implementation and approval of owner-adopted admission preferences for individuals or families experiencing homelessness.”*

## **XX. HUD Enforcement of VAWA Final Rule**

During an on-site MOR or as part of an off-site desk review, HUD, the property’s Performance Based Contract Administrator (PBCA) or the property’s Traditional Contract Administrator (TCA) staff will review the O/As compliance with VAWA Final Rule. HUD/PBCA/TCS will identify areas of noncompliance in the form HUD-9834. Under the current version of the form, questions 14,16, 21, 22, and 25 each contain subsections under which VAWA compliance may be assessed and reported.

## **XXI. Assistance Under More Than One Covered Housing Program**

When 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.

Where housing is covered under multiple HUD programs, the responsible covered housing provider under each program will provide the required VAWA Notice of Occupancy Rights and certification form. Tenants may request emergency transfers or lease bifurcation under any applicable program, unless prohibited from doing so because of statutory constraints.

## **XXII. Fair Housing and Nondiscrimination**

O/As must comply with all applicable fair housing and civil rights laws and requirements in the implementation of VAWA requirements. This includes, but is not limited to, the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act. See 24 CFR 5.105(a). For example, O/As must provide reasonable accommodations for individuals with disabilities, such as a reasonable accommodation to any requirement that the emergency transfer request be in writing. O/As must help certain individuals put their request in writing, if requested or where the need for such assistance is obvious. Individuals with disabilities may request a reasonable accommodation at any time to any program rules, policies, or practices that may be necessary. O/As must meet physical accessibility requirements when making emergency and other transfers, which may include making physical modifications to dwelling units and common use areas.

O/As must also ensure that communications and materials are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and their implementing regulations. O/As must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is

provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters.

O/As must also take reasonable steps to ensure meaningful access to their programs and activities to LEP individuals. See the Department's Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance), [http://www.lep.gov/guidance/HUD\\_guidance\\_Jan07.pdf](http://www.lep.gov/guidance/HUD_guidance_Jan07.pdf).

### **XXIII. Paperwork Reduction Act**

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (22 U.S.C. 2501-3520) and assigned OMB control numbers 2502-0204 and 2577-0286. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

### **XXIV. Contact Information**

Questions concerning this Notice should be directed to your property's Account Executive in your local HUD Field Office. You may also contact Carissa Janis, Program Analyst, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, 202-402-2487 or Carissa.L.Janis@hud.gov. Persons with hearing or speech impairments may access their field office via TTY by calling the Federal Information Relay Service at (800) 877-8339.

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Genger Charles  
General Deputy Assistant Secretary for Housing

## **Appendix 1 – Items to Consider When Developing VAWA Policies**

### **Certification and Documentation**

- During the first year, how will the O/A provide the VAWA Notice of Occupancy Rights (form HUD-5380) and Certification form (HUD-5382) to each household?
- How and where will the VAWA forms be made available?
- Will the O/A ask for documentation when an individual presents a claim for VAWA protections, and if so, under what circumstances?
- How will the O/A define the term “other evidence”?
- Will the O/A require submission of documentation within 14 business days?
- Under what conditions will an extension of the 14-business day period for submitting documentation be allowed?
- How long will the O/A take to acknowledge receipt of documentation?

### **Victim Confidentiality**

- Who will have access to VAWA information?
- How will information be stored and secured?
- How will information be accessed?
- Who are the O/A’s VAWA points of contacts for tenants?
- How will the O/A determine appropriate communications with victims?
- What procedures will the O/A undertake to ensure others will not overhear conversations with victims?
- Will victims be required to come into a management office?
- Will the O/A suggest that a victim designate a point of contact for communications?

### **Emergency Transfer Plan**

- What efforts will the O/A make to assist a tenant or household who request an internal emergency transfer or external emergency move?
- Will the O/A accept verbal-certification or require a written transfer request?
- Will the O/A require the use of the emergency transfer request form HUD-5383?
- Will the O/A make additional efforts to assist a tenant who wishes to make an internal emergency transfer (e.g. provide a moving van)? (Under the VAWA regulation, the O/A’s Emergency Transfer Plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.)

- Will the O/A make arrangements, including memoranda of understanding, with other HUD-funded O/As to facilitate external moves?
- Will the O/A provide contact information for local service providers?

### **Partnerships**

- Will the O/A conduct outreach activities to organizations that assist or provide resources to victims?
- Will the O/A develop partnerships with domestic violence victim advocates, legal aid services, and law enforcement agencies to further VAWA protections?
- Will the O/A invite domestic violence victim advocates to speak to resident groups and employees?
- Will the O/A create pamphlets, posters, and other media to help inform applicants, tenants, and participants about the VAWA protections available to them?
- Will the O/A offer any activities, services, or programs either directly or in partnership with other service providers to enhance victim safety?
- Will the O/A offer any domestic violence, dating violence, sexual assault, or stalking prevention programs?

### **Conflicting Claims of Abuse**

- What will the O/A do in cases of conflicting third-party documentation?
- Will hearings include a trained third party with experience in adjudicating domestic violence cases?

### **Waiting List Preferences**

- Will the O/A adopt an admissions preference for victims seeking an external emergency move from another HUD-funded housing?
- What priority will be given to victims?
- Will the O/A treat HUD tenants who are victims looking for an external emergency move the same or different than other victims not previously assisted under a HUD covered housing program?
- Will the O/A limit the preference to persons referred by a partnering service organization or consortia of organizations?
- Are there State or local laws that provide greater protections than those provided under VAWA that an owner should be made aware of?

### **Other Considerations**

- What actions will the O/A consider to reduce or eliminate an “actual or imminent” threat?

- Will the O/A offer lease bifurcation?
- Under what circumstances would a perpetrator who was evicted/terminated from assistance or convicted of domestic violence, dating violence, sexual assault, or stalking be allowed to rejoin the household upon request of the family?



EMERGENCY TRANSFER PLAN FOR VICTIMS  
OF DOMESTIC VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual  
Assault, or Stalking – Covered Programs and Effective Dates:**

<b>TDHCA Program</b>	<b>Activity</b>	<b>Effective Date</b>
HOME	Tenant Based Rental Assistance (“TBRA”), Contracts	Contracts entered into after 12/16/16
HOME	TBRA, Reservation System Participants	Leases executed after 12/16/16
HOME	Multifamily Developments	Contracts executed after 12/16/16
Tax Credit Assistance Program-Repayment Funds “TCAP-RF”	Multifamily Developments (if used as HOME match)	Contracts executed after 12/16/16
National Housing Trust Fund “NHTF”	Multifamily Developments	Contracts executed after 12/16/16
Project Based Section 8	Multifamily Developments	All developments are subject to VAWA
Section 811 Project Rental Assistance Program	Section 811 Units	811 Units

**[Insert name of covered housing provider]**

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

**Emergency Transfers**

**[Insert name of covered housing provider (acronym HP for purposes of this model plan)]** is concerned about the safety of its tenants, and such concern extends to tenants who have experienced domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> HP allows tenants who have experienced domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The ability of HP to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has experienced domestic violence, dating violence, sexual assault, or stalking, and on whether HP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development

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<sup>1</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, 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.

(HUD), the Federal agency that oversees that **insert name of program or rental assistance here** is in compliance with VAWA.

### **Eligibility for Emergency Transfers**

A tenant who has experienced domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant has experienced sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to **HP to insert location**. HP will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HP's program; OR

2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Within three calendar days, HP will notify TDHCA via the email address:

VAWA.Transfer@tdhca.state.tx.us that a transfer request has been made. This email address alerts TDHCA's Chief of Compliance, the Director of Multifamily Compliance, Director of Subrecipient Monitoring, and the Manager of Compliance Monitoring.

### **Confidentiality**

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP will, however, 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 a unit. If a tenant reasonably believes a proposed transfer would not be

safe, the tenant may request a transfer to a different unit. If a 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. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, HP will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

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>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

For questions regarding VAWA, and/or if you need to move due to domestic violence, dating violence, sexual assault, or stalking please contact the Texas Department of Housing and Community Affairs at 512-475-3800 or 800-475-3800 (Relay Texas 800-735-2989) for assistance in locating other available housing (note, this is not a domestic violence hotline. Depending on your location, the Department may also have a listing of local service providers and advocates who can help you move to a safe and available unit. For more information regarding housing and other laws that may protect or provide additional options for survivors, call the Texas Council on Family Violence Policy Team at: 1-800-525-1978.

### **Domestic Violence, Sexual Assault and Stalking Resources**

To speak with an advocate and receive confidential support, information and referrals regarding domestic violence 24 hours a day, every day, contact the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also visit the Texas Council on Family Violence website for a listing of local domestic violence services providers: [http://tcfv.org/service-directory/?wpbdp\\_view=all\\_listings](http://tcfv.org/service-directory/?wpbdp_view=all_listings).

For confidential support services and referral to a local sexual assault crisis center 24 hours a day, every day, contact RAINN: Rape, Abuse, & Incest National Network: Hotline: 1-800-656-HOPE. You may also visit the Texas Association Against Sexual Assault to find local crisis centers: <http://taasa.org/crisis-center-locator/>.

For information regarding stalking visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Victims of a variety of crimes may find referrals by contacting the Victim Connect Resource Center, a project of the NCVC, through calling Victim Connect Helpline: 855-4-VICTIM (855-

484-2846) or searching for local providers at <http://victimconnect.org/get-help/connect-directory/>.

## Legal Resources

### **TexasLawHelp.org**

[www.texaslawhelp.org](http://www.texaslawhelp.org)

TexasLawHelp.org is a website that provides free, reliable legal information on a variety of topics such as; family law, consumer protection and debt relief, health and benefits, employment law, housing, wills and life planning, and immigration. The website offers interactive and downloadable legal forms, self-help tools and videos on legal issues, and can assist in locating local free legal services.

### Texas Advocacy Project, A VOICE

**1.888. 343.4414**

Advocates for Victims of Crime (A VOICE), a project of Texas Legal Services Center, provides free direct legal representation and referrals to victims of violent crime, and providing education about crime victim's rights and assistance with Crime Victims Compensation applications. Note: callers will most likely leave a message and their call will be returned by an attorney.

### Legal Aid for Survivors of Sexual Assault (LASSA)

**1-844-303-SAFE (7233)**

The LASSA Hotline is answered by attorneys seven days a week. The Hotline attorneys provide sexual assault survivors with legal information and advice about legal issues that may arise following a sexual assault including crime victim's rights, housing, and safety planning.

## Family Violence Legal Line

### **800-374-HOPE**

Texas Advocacy Project. Offers the HOPE Line, Monday -Friday 9am-5pm, staffed by attorneys can help you with a variety of legal concerns related to domestic violence, sexual assault, and stalking.

NOTICE OF OCCUPANCY RIGHTS UNDER  
THE VIOLENCE AGAINST WOMEN ACT

**[Insert Name of Housing Provider<sup>1]</sup>**

**Notice of Occupancy Rights under the Violence Against Women Act<sup>2</sup>**

**To all Tenants and Applicants**

The Violence Against Women Act (VAWA) provides protections for persons that have been subject to domestic violence, dating violence, sexual assault, or stalking.<sup>3</sup> VAWA protections are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>4</sup>

The Texas Department of Housing and Community Affairs is the State agency that oversees (please circle the covered program) **the Housing Tax Credit, HOME Multifamily, HOME**

**Tenant Based Rental Assistance, Tax Credit Assistance Program-Repayment Funds,**

**National Housing Trust Fund, Emergency Solutions Grant, Section 811 Project Rental**

**Assistance Program, and the Housing Choice Voucher Program “covered program”.** This

notice explains your rights under VAWA. A U.S. Department of Housing (“HUD”) approved certification form is attached to this notice. You can fill out this form to show that you are or have been subject to domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

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<sup>1</sup> The notice uses HP for housing provider but the housing provider should insert its name where HP is used. Program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

<sup>2</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> The VAWA statute uses the term victims to describe those with VAWA protections, but the Department herein refers to this class of persons as subject to protections under VAWA.

<sup>4</sup> Housing providers in the covered programs 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.



### **Protections for Applicants**

If you otherwise qualify for assistance under **a covered program listed above**, you cannot be denied admission or denied assistance because you are or have been subject to domestic violence, dating violence, sexual assault, or stalking.

### **Protections for Tenants**

If you are receiving assistance under **the covered program**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been subject to domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been subject to 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 **the covered program** 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**

The Housing Provider (“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 VAWA protections 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 (such as HUD's self-certification form 5382).

### **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 have been subject to 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 have been subject to sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you have been subject to 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 work to ensure the confidentiality of 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 subject to 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 (HUD form 5382) 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 subject to domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been subject to 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 persons subject to domestic violence, dating violence, sexual assault, or stalking. You may be

entitled to additional housing protections for persons subject to 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 TDHCA at

<https://www.tdhca.state.tx.us/complaint.htm> or 800-525-0657 or 817-978-5600 the HUD Fort Worth regional office, (800) -669-9777, (TTY 817-978-5595).

**For Additional Information**

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

<https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

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

For questions regarding VAWA, and/or if you need to move due to domestic violence, dating violence, sexual assault, or stalking please contact the Texas Department of Housing and Community Affairs at 512-475-3800 or 800-475-3800 (Relay Texas 800-735-2989) for assistance in locating other available housing (note, this is not a domestic violence hotline).

Depending on your location, the Department may also have a listing of local service providers and advocates who can help you move to a safe and available unit. For more information regarding housing and other laws that may protect or provide additional options for survivors, call the Texas Council on Family Violence Policy Team at: 1-800-525-1978.

## **Domestic Violence, Sexual Assault and Stalking Resources**

To speak with an advocate and receive confidential support, information and referrals regarding domestic violence 24 hours a day, every day, contact the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also visit the Texas Council on Family Violence website for a listing of local domestic violence services providers: [http://tcfv.org/service-directory/?wpbdp\\_view=all\\_listings](http://tcfv.org/service-directory/?wpbdp_view=all_listings).

For confidential support services and referral to a local sexual assault crisis center 24 hours a day, every day, contact RAINN: Rape, Abuse, & Incest National Network: Hotline: 1-800-656-HOPE. You may also visit the Texas Association Against Sexual Assault to find local crisis centers: <http://taasa.org/crisis-center-locator/>.

For information regarding stalking visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Victims of a variety of crimes may find referrals by contacting the Victim Connect Resource Center, a project of the NCVC, through calling Victim Connect Helpline: 855-4-VICTIM (855-484-2846) or searching for local providers at <http://victimconnect.org/get-help/connect-directory/>.

### Legal Resources

**TexasLawHelp.org**  
[www.texaslawhelp.org](http://www.texaslawhelp.org)

TexasLawHelp.org is a website that provides free, reliable legal information on a variety of topics such as; family law, consumer protection and debt relief, health and benefits, employment law, housing, wills and life planning, and immigration. The website offers interactive and downloadable legal forms, self-help tools and videos on legal issues, and can assist in locating local free legal services.



Texas Advocacy Project, A VOICE

**1.888. 343.4414**

Advocates for Victims of Crime (A VOICE), a project of Texas Legal Services Center, provides free direct legal representation and referrals to victims of violent crime, and providing education about crime victim's rights and assistance with Crime Victims Compensation applications. Note: callers will most likely leave a message and their call will be returned by an attorney.

Legal Aid for Survivors of Sexual Assault (LASSA)

**1-844-303-SAFE (7233)**

The LASSA Hotline is answered by attorneys seven days a week. The Hotline attorneys provide sexual assault survivors with legal information and advice about legal issues that may arise following a sexual assault including crime victim's rights, housing, and safety planning.

Family Violence Legal Line

**800-374-HOPE**

Texas Advocacy Project. Offers the HOPE Line, Monday -Friday 9am-5pm, staffed by attorneys can help you with a variety of legal concerns related to domestic violence, sexual assault, and stalking.

**Attachment:** Certification form HUD-5382.

**[Introducir el nombre del proveedor de la vivienda (HP, por sus siglas en inglés)]<sup>1</sup>**

**Notificación de derechos de ocupación en virtud de la Ley de violencia contra la mujer<sup>2</sup>**

**A todos los Arrendatarios y Solicitantes**

En virtud de la Ley de violencia contra la mujer (Violence Against Women Act, VAWA), se brinda protección a todas aquellas personas que hayan sido víctimas de violencia doméstica, violencia en una relación, abuso sexual o acoso.<sup>3</sup> La protección que se ofrece por medio de la VAWA se encuentra disponible de manera igualitaria para todos los individuos, independientemente del sexo, la identidad de género o la orientación sexual.<sup>4</sup> El Departamento de Vivienda y Asuntos de la Comunidad de Texas (Texas Department of Housing and Community Affairs, TDCHA) es el organismo estatal encargado de supervisar (por favor marque con un círculo el programa cubierto correspondiente) **el “programa cubierto” Crédito Fiscal para la Vivienda, HOME Multifamiliar, Asistencia para el arrendamiento en función del Arrendatario de HOME, Programa de Asistencia de Créditos Fiscales-Fondos de Repago, Fondo Fiduciario Nacional de Viviendas, Programa de Asistencia al Alquiler del Proyecto de la Sección 811, Subsidio para Soluciones de Emergencia y el Programa de Elección de Viviendas.** En la presente notificación, se le explican sus derechos en virtud de la VAWA. Se adjunta a la presente notificación un formulario de certificación aprobado por el Departamento

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<sup>1</sup> En esta notificación, se utiliza la abreviatura HP para referirse al proveedor de la vivienda. No obstante, dicho proveedor deberá escribir su nombre cada vez que aparezca HP en el texto. En las reglamentaciones pertinentes al programa, se identifica al individuo o a la entidad responsables de entregar la notificación de derechos de ocupación.

<sup>2</sup> A pesar del nombre que se le ha asignado a la ley, la protección que ofrece la VAWA se encuentra disponible para todos, independientemente del sexo, la identidad de género o la orientación sexual.

<sup>3</sup> En la VAWA, se utiliza el término “víctimas” para describir a quienes se encuentran protegidos por la VAWA. No obstante, en el presente, el Departamento hace referencia a este tipo de personas como individuos sujetos a protecciones en virtud de la VAWA.

<sup>4</sup> Los proveedores de viviendas que participan de los programas cubiertos no pueden ejercer ningún tipo de discriminación producto de una característica protegida, como raza, color, nacionalidad, religión, sexo, situación familiar, discapacidad o edad. Las viviendas con asistencia del HUD y con seguro del HUD deben ponerse a disposición de todos los individuos que reúnen los requisitos necesarios, independientemente de la orientación sexual, la identidad de género o el estado civil reales o percibidos.

de Vivienda (HUD, por sus siglas en inglés) de los Estados Unidos. Puede completar el formulario para indicar que es o que ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso, y que desea hacer uso de los derechos que le confiere la VAWA.

### **Protección para Solicitantes**

Si, de algún otro modo, reúne los requisitos para recibir asistencia en virtud de **uno de los programas cubiertos mencionados**, no se le puede negar el ingreso ni la asistencia como consecuencia de ser o haber sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso.

### **Protección para Arrendatarios**

Si recibe asistencia en virtud del **programa cubierto**, no se le puede negar la asistencia, exigirle que cese la participación ni ser desalojado de la propiedad que alquila por ser o haber sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso.

Así mismo, en caso de que usted o un individuo a su cargo sea o haya sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso por parte de un miembro de su hogar o un huésped, no se le podrá negar la asistencia con el arrendamiento ni los derechos de ocupación en virtud del **programa cubierto** exclusivamente con motivo de la actividad delictiva directamente relacionada con dicho hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso.

La expresión “individuo a su cargo” puede hacer referencia a su cónyuge, padre, madre, hermano, hermana, hijo o hija; o bien a una persona respecto de la cual usted ocupa la función de padre o tutor (por ejemplo, que el individuo a cargo se encuentre bajo su cuidado, custodia o control) o a cualquier individuo, arrendatario u ocupante legal que viva en su hogar.

**Retirar al abusador o perpetrador del hogar**

El proveedor de la vivienda (HP) podrá dividir (bifurcar) el alquiler a fin de desalojar al individuo o dar por finalizada la asistencia del individuo que ha participado de una actividad delictiva (el abusador o perpetrador) directamente relacionada con violencia doméstica, violencia en una relación, abuso sexual o acoso.

En caso de que el HP decida retirar al abusador o perpetrador de la vivienda, no podrá retirarles a los Arrendatarios que reúnen los requisitos necesarios el derecho de permanecer en la unidad o, de algún otro modo, reprender a los demás arrendatarios. En caso de que el abusador o perpetrador desalojado fuese el único arrendatario que reúne los requisitos necesarios establecidos para obtener asistencia en virtud del programa, el HP debe permitirles al arrendatario que posee protección de la VAWA y al resto de los miembros del hogar permanecer en la unidad por un tiempo, a fin de determinar el cumplimiento de requisitos en virtud del programa o de otro programa de viviendas otorgado por el HUD y amparado por la VAWA, o de buscar otra vivienda.

En el momento de retirar al abusador o perpetrador del hogar, el HP debe cumplir con los procedimientos federales, estatales y locales de desalojo. Para dividir un alquiler, el HP podrá, aunque no está obligado a hacerlo, solicitarle algún tipo de documentación o certificación en relación con los hechos de violencia doméstica, violencia en una relación, abuso sexual o acoso (por ejemplo, el formulario de autocertificación 5382 del HUD).

**Traslado a otra unidad**

Conforme usted lo solicite, el HP podrá permitirle que se traslade a otra unidad, sujeto a disponibilidad de unidades, y que, aun así, conserve la asistencia. A fin de aprobar una solicitud, el HP podrá pedirle que presente documentación en la que se indique que solicita el traslado con

motivo de un hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso. En caso de que se trate de una solicitud de traslado de emergencia, el proveedor de la vivienda podrá pedirle que presente una solicitud por escrito, o bien que complete un formulario por medio del cual se certifique que reúne los requisitos correspondientes para solicitar un traslado de emergencia conforme se establece en la VAWA. Los criterios son los siguientes:

**(1) Ser víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso.** En caso de que el proveedor de la vivienda todavía no cuente con documentación en la que conste que usted ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso, podrá solicitarle que presente dicha documentación, conforme se describe en la sección sobre documentación más abajo.

**(2) Solicitar expresamente el traslado de emergencia.** El proveedor de la vivienda puede optar por solicitarle que presente un formulario o aceptar otro tipo de solicitud en forma verbal o por escrito.

**(3) Tener fundamentos razonables para sentirse amenazado de sufrir un daño inminente producto de otros actos de violencia en caso de permanecer en la unidad actual.** Esto significa que tiene motivos para temer que, en caso de no trasladarse, podría sufrir un acto de violencia en el futuro muy cercano.

#### **O BIEN**

**Haber sido víctima de abuso sexual y que el abuso haya ocurrido en el lugar durante el período de 90 días calendario previo a la solicitud del traslado.** En caso de haber sido víctima de abuso sexual, podrá, además de reunir los requisitos para un traslado de emergencia debido a que tiene motivos suficientes para sentirse amenazado de sufrir un daño inminente producto de otros actos de

violencia si permanece en la unidad, cumplir con los requisitos para acceder a un traslado de emergencia en caso de que el abuso sexual haya ocurrido dentro de la propiedad respecto de la cual procura trasladarse, y que el abuso haya tenido lugar durante el período de 90 días calendario previo a la solicitud expresa del traslado.

El HP conservará la confidencialidad de todas las solicitudes de traslado de emergencia realizadas por víctimas de violencia doméstica, violencia en una relación, abuso sexual o acoso, y trabajará para garantizar la confidencialidad de la ubicación a la que se trasladen la víctima y sus familiares.

En el plan de traslado de emergencia del HP, se proporciona información adicional sobre dichos traslados. El HP debe proporcionarle una copia de su plan de traslado de emergencia en caso de que usted lo solicite.

### **Documentar el hecho de ser o haber sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso**

Aunque no está obligado a hacerlo, el HP puede solicitarle que presente documentación por medio de la cual se “certifica” que usted es o ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso. Dicha solicitud por parte del HP debe entregarse por escrito. El HP debe concederle, como mínimo, 14 días hábiles (no se toman en cuenta sábados, domingos ni feriados nacionales) desde el día en que recibe la solicitud de documentación.

Aunque no está obligado a hacerlo, el HP podrá extender la fecha límite para la presentación de la documentación, en caso de que usted así lo solicite.

Puede presentar como documentación ante el HP uno de los siguientes comprobantes. Usted elige cuál de los siguientes comprobantes presentará en caso de que el HP le pida que proporcione documentación en la que se pruebe que es o ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso.

- Un formulario de certificación completo aprobado por el HUD (formulario 5382 del HUD), que el HP le entregó junto con esta notificación, en el que se documente el hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso. En el formulario, se le pedirá su nombre, la fecha, hora y lugar del hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso, y una descripción del hecho. En el formulario de certificación, puede incluirse el nombre del abusador o perpetrador, en caso de que se sepa quién es y sea seguro indicar su identidad.
- Un registro de un organismo del cumplimiento de la ley, un tribunal o un organismo administrativo federal, estatal, tribal, territorial o local en el que se documente el hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso. Entre los ejemplos de dichos registros, pueden mencionarse informes policiales, órdenes de protección y órdenes de restricción, entre otros.
- Una declaración, que debe llevar su firma, junto con la firma de un empleado, agente o voluntario de un proveedor de servicios a la víctima, un abogado, un profesional de la medicina o un profesional de la salud mental (denominados, en forma conjunta, “profesionales”) a quienes recurrió para obtener asistencia y abordar las situaciones de violencia doméstica, violencia en una relación, abuso sexual o acoso, o los efectos derivados del abuso. Así mismo, el profesional que usted seleccione deberá jurar bajo pena de perjurio que considera que el hecho o los hechos de violencia doméstica, violencia en una relación, abuso sexual o acoso son motivo suficiente para solicitar protección.
- Cualquier otro tipo de declaración o prueba que el HP haya acordado aceptar.

Si omite presentar o se niega a presentar uno de estos documentos en un período de 14 días hábiles, el HP no está obligado a brindarle las protecciones mencionadas en esta notificación.

Si el HP recibe pruebas incompatibles de un hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso (como formularios de certificación por parte de dos o más miembros de un hogar, en el que cada uno alegue ser víctima y nombre a uno o más del resto de los miembros del hogar como abusadores o perpetradores), el HP tiene derecho a solicitarle que presente documentación de terceros dentro de un período de treinta (30) días calendario a fin de proceder con la resolución del conflicto. Si omite presentar o se niega a presentar documentación de terceros cuando haya pruebas incompatibles, el HP no está obligado a brindarle las protecciones mencionadas en esta notificación.

### **Confidencialidad**

El HP debe conservar la confidencialidad de la información que usted proporcione en relación con el ejercicio de sus derechos en virtud de la VAWA, incluido el hecho de que ejerce sus derechos en virtud de la VAWA.

El HP no debe permitir que ningún individuo que administre la asistencia u otros servicios en nombre del HP (por ejemplo, empleados y contratistas) tenga acceso a información confidencial, excepto por motivos especiales que exijan que estos individuos tengan acceso a este tipo de información de conformidad con las leyes federales, estatales o locales correspondientes.

El HP no debe ingresar información sobre su persona en ninguna base de datos compartida ni divulgar su información a otro individuo o entidad. No obstante, el HP podrá divulgar la información proporcionada en caso de que:



- Usted le otorgue al HP permiso por escrito para divulgar la información por un tiempo limitado.
- El HP necesite utilizar la información en un procedimiento de desalojo o terminación, como el desalojo de su abusador o perpetrador, o la culminación de la asistencia al abusador o perpetrador de conformidad con este programa.
- La ley le exija al HP o al propietario divulgar la información.

La VAWA no limita la obligación del HP de cumplir con las órdenes de los tribunales respecto del acceso o el control de la propiedad. Esto incluye las órdenes que se emiten para proteger a una víctima y las órdenes mediante las cuales se divide la propiedad entre los miembros del hogar en casos en que la familia se desintegra.

**Motivos por los cuales puede darse por finalizada la asistencia o puede desalojarse a un arrendatario que reúne los requisitos para acceder a los derechos de ocupación en virtud de la VAWA**

Usted puede sufrir un desalojo o dejar de recibir asistencia en caso de violaciones graves o reiteradas del alquiler que no están relacionadas con actos de violencia doméstica, violencia en una relación, abuso sexual o acoso que se cometan en su contra. Sin embargo, el HP no puede someter a los arrendatarios que hayan sido víctimas de violencia doméstica, violencia en una relación, abuso sexual o acoso a un conjunto de reglas más exigente que el que rige para los arrendatarios que no han sido víctimas de violencia doméstica, violencia en una relación, abuso sexual o acoso.

Es posible que las protecciones que se describen en esta notificación no se apliquen y que usted sufra un desalojo y deje de recibir asistencia en caso de que el HP pueda demostrar que el hecho de no desalojarlo o darle por finalizada la asistencia podría representar un peligro físico real que:

- 1) Podría tener lugar en un lapso inmediato; y
- 2) Podría derivar en la muerte o el daño físico grave de otros arrendatarios o de quienes trabajan en la propiedad.

Si el HP puede demostrar lo antedicho, el HP solo debería darle por finalizada la asistencia o desalojarlo en caso de que no puedan tomarse otras medidas para reducir o eliminar la amenaza.

### **Otras leyes**

La VAWA no reemplaza ninguna ley federal, estatal ni local que ofrezca un mayor nivel de protección a individuos que son víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso. Puede tener derecho a recibir otro tipo de protección en relación con la vivienda para personas que son víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso en virtud de otras leyes federales, así como de las leyes estatales y locales.

### **Incumplimiento de los requisitos establecidos en esta notificación**

Para denunciar el incumplimiento de estos derechos por parte de un proveedor de viviendas cubierto y obtener asistencia adicional, en caso de ser necesario, comuníquese con el TDCHA o presente un reclamo ante este organismo en <https://www.tdhca.state.tx.us/complaint.htm>, o bien llame al 800-525-0657 o al 817-978-5600, oficina regional del HUD en Fort Worth, (800) 669-9777 (TTY 817-978-5595).

### **Para obtener más información**

Puede acceder a una copia de la reglamentación final de la VAWA del HUD en:

<https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

Además, el HP debe poner a su disposición una copia de las reglamentaciones de la VAWA del HUD en caso de que usted solicite acceso a ellas.

Si desea realizar preguntas en relación con la VAWA y/o si necesita trasladarse producto de un hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso, por favor comuníquese con el Departamento de Vivienda y Asuntos de la Comunidad de Texas al 512-475-3800 o 800-475-3800 (servicio telefónico de retransmisión Relay Texas: 800-735-2989) para obtener ayuda y encontrar otras viviendas disponibles (tenga en cuenta que ésta no es una línea directa para denunciar casos de violencia doméstica). En función de su ubicación, el Departamento también contará con un listado de proveedores de servicios y abogados locales que pueden ayudarlo a trasladarse a una unidad segura y disponible. Para obtener más información sobre leyes de viviendas y otras leyes que brindan protección u ofrecen otras opciones a los sobrevivientes, comuníquese con el Equipo de Políticas del Consejo de Texas sobre Violencia Familiar (Texas Council on Family Violence Policy Team) al 1-800-525-1978.

## **Recursos sobre violencia doméstica, abuso sexual y acoso**

Para conversar con un abogado y obtener asistencia confidencial, información y derivaciones en relación con la violencia doméstica las 24 horas, todos los días, comuníquese con la Línea Directa Nacional de Violencia Doméstica al 1-800-799-7233; las personas con dificultades auditivas deben llamar al 1-800-787-3224 (TTY). Así mismo, puede visitar el sitio web del Consejo de Texas sobre Violencia Familiar para acceder a un listado de proveedores de servicios locales relacionados con la violencia doméstica: [http://tcfv.org/service-directory/?wpbdp\\_view=all\\_listings](http://tcfv.org/service-directory/?wpbdp_view=all_listings).

Para acceder a servicios de asistencia confidencial y derivación a un centro local de atención de crisis por abusos sexuales, las 24 horas, todos los días, póngase en contacto con la línea directa de RAINN: Rape, Abuse & Incest National Network (Red Nacional contra Violaciones, Abusos e Incesto), al 1-800-656-HOPE. También puede visitar el sitio web de la Asociación Texana contra Abusos Sexuales (Texas Association Against Sexual Assault) para encontrar centros locales de atención de crisis: <http://taasa.org/crisis-center-locator/>.

Para obtener información sobre el acoso, visite el Centro de Recursos sobre el Acoso del Centro Nacional de Víctimas de Delitos (National Center for Victims of Crime, NCVC) en <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Para obtener derivaciones, las víctimas de distintos delitos pueden comunicarse con el Centro de Recursos Victim Connect, que es un proyecto del NCVC, llamar a la línea directa de Victim Connect: 855-4-VICTIM (855-484-2846) o buscar proveedores locales en <http://victimconnect.org/get-help/connect-directory/>.

Recursos legales

**TexasLawHelp.org**  
[www.texaslawhelp.org](http://www.texaslawhelp.org)

TexasLawHelp.org es un sitio web que proporciona información legal gratuita y confiable sobre distintos temas, como legislación sobre familia, protección del consumidor y asistencia con deudas, salud y beneficios, legislación laboral, vivienda, testamentos y planificación de la vida, e inmigración. En el sitio web, hay formularios legales interactivos y para descargar, herramientas de autoayuda y videos sobre asuntos legales. Además, en la página se indica cómo buscar servicios legales gratuitos en su localidad.

Texas Advocacy Project, A VOICE (Proyecto de Defensoría de Texas, UNA VOZ)

**1.888. 343.4414**

El proyecto Advocates for Victims of Crime (A VOICE) (Defensores de Víctimas de Delitos [UNA VOZ]), del Centro de Servicios Legales de Texas (Texas Legal Services Center), brinda representación legal directa y gratuita, y recomendaciones a víctimas de delitos violentos.

Además, ofrece información educativa sobre los derechos de las víctimas de delitos y brinda asistencia con la presentación de solicitudes del programa Crime Victims Compensation (Compensación para Víctimas de Delitos). Nota: Por lo general, quienes se comunican dejan un mensaje y un abogado les responde el llamado.

Legal Aid for Survivors of Sexual Assault (LASSA, Asistencia Legal para Sobrevivientes de Abusos Sexuales)

**1-844-303-SAFE (7233)**

Hay abogados disponibles para responder la línea directa de LASSA los siete días de la semana. Los abogados de la línea directa les brindan a los sobrevivientes de abusos sexuales información legal y asesoramiento sobre asuntos legales que pueden surgir con posterioridad a un abuso sexual, incluidos los derechos, la vivienda y la planificación de la seguridad de las víctimas de delitos.

Línea Legal de Violencia Familiar

**800-374-HOPE**

El Texas Advocacy Project ofrece la línea HOPE de lunes a viernes de 9:00 a. m. a 5:00 p. m.

Hay abogados que ofrecen ayuda con una serie de asuntos legales relacionados con violencia doméstica, abuso sexual y acoso.

**Adjunto:** Formulario de certificación HUD-5382.

**[Điền Tên của Người cung cấp Nhà ở<sup>1</sup>]**

**Thông báo về Quyền Chiếm dụng theo Đạo luật Chống Bạo hành Phụ nữ<sup>2</sup>**

**Gửi đến tất cả Người thuê nhà và Đương đơn**

Đạo luật Chống Bạo hành Phụ nữ (VAWA) bảo vệ những người phải chịu cảnh bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục hoặc đeo bám.<sup>3</sup> VAWA bảo vệ bình đẳng mọi cá nhân bất kể giới tính, nhận thức giới tính hay khuynh hướng tình dục.<sup>4</sup> Bộ Gia Cư và Sự Vụ Cộng Đồng Texas là cơ quan Tiểu bang giám sát (vui lòng khoanh tròn chương trình liên quan) **Tín dụng Thuế Nhà ở, NHÀ Ở cho nhiều gia đình, Hỗ trợ Thuê nhà Dựa trên Người thuê NHÀ, Quỹ Hoàn trả - Chương trình Hỗ trợ Tín dụng Thuế, Quỹ Tín thác Nhà ở Quốc gia, Trợ cấp Giải pháp Khẩn cấp, Chương trình Hỗ trợ Cho thuê Dự án Phần 811 và Chương trình Chứng thực Lựa chọn Nhà ở "chương trình liên quan"**. Thông báo này giải thích các quyền của quý vị theo VAWA. Thông báo này kèm theo mẫu chứng nhận được Bộ Gia Cư Hoa Kỳ ("HUD") phê duyệt. Quý vị có thể điền vào mẫu này để cho biết rằng quý vị đã hoặc đang bị bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục, hoặc đeo bám và quý vị muốn sử dụng các quyền của mình theo VAWA.

**Bảo vệ dành cho Đương đơn**

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<sup>1</sup> Trong thông báo này HP được coi là người cung cấp nhà ở nhưng người cung cấp nhà ở cần thay HP bằng tên mình. Quy định riêng của chương trình xác định cá nhân hoặc tổ chức chịu trách nhiệm cung cấp thông báo về quyền cư trú.

<sup>2</sup> Dù có tên như vậy nhưng luật này, VAWA bảo vệ mọi đối tượng bất kể giới tính, nhận thức giới tính hay khuynh hướng tình dục.

<sup>3</sup> Đạo luật VAWA sử dụng cụm từ nạn nhân để mô tả những người được VAWA bảo vệ, nhưng Bộ coi những người này là đối tượng được bảo vệ theo VAWA.

<sup>4</sup> Người cung cấp Nhà ở trong chương trình liên quan không được phân biệt đối xử dựa trên bất kỳ đặc điểm được bảo vệ nào, bao gồm chủng tộc, màu da, nguồn gốc quốc gia, tôn giáo, giới tính, tình trạng gia đình, tình trạng khuyết tật hoặc tuổi tác. Nhà ở được HUD bảo trợ và HUD bảo hiểm phải được cung cấp cho tất cả các cá nhân hợp lệ, bất kể khuynh hướng tình dục thực tế hoặc cảm nhận, nhận thức giới tính hay tình trạng hôn nhân.

Nếu đủ điều kiện được hỗ trợ theo **chương trình liên quan được liệt kê ở trên**, quý vị có quyền được hỗ trợ hoặc tham gia vì quý vị đã hoặc đang bị bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám.

### **Bảo vệ dành cho Người thuê nhà**

Nếu đang được hỗ trợ theo **chương trình liên quan**, quý vị có quyền được hỗ trợ, tiếp tục tham gia hoặc ở lại ngôi nhà thuê vì quý vị đang hoặc đã bị bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám.

Ngoài ra, nếu quý vị hoặc một người có quan hệ với quý vị đã hoặc đang là nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám do một người trong hộ gia đình hoặc bất kỳ người khách nào của quý vị gây ra, quý vị sẽ có quyền cư trú hoặc hỗ trợ về vấn đề thuê nhà theo **chương trình liên quan** nếu chỉ dựa trên hoạt động phạm tội có liên quan trực tiếp đến vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám đó.

Người có quan hệ với quý vị nghĩa là vợ/chồng, cha/mẹ, anh, chị, em, con cái hoặc một người mà quý vị chăm sóc hoặc giám hộ (ví dụ, cá nhân liên quan đang được chăm sóc, nuôi dưỡng, hoặc quản lý); hoặc bất kỳ cá nhân, người thuê nhà, hay người cư trú hợp pháp nào sống trong nhà quý vị.

### **Trục xuất Người lạm dụng hoặc Thủ phạm ra khỏi Nhà**

Người cung cấp Nhà ở ("HP") có thể chia (tách đôi) hợp đồng thuê nhà của quý vị để trục xuất cá nhân hoặc chấm dứt hỗ trợ đối với cá nhân có hành vi phạm tội (người lạm dụng hoặc thủ phạm) liên quan trực tiếp đến bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám.

Nếu HP chọn trục xuất người lạm dụng hoặc thủ phạm, HP không được tước quyền đối với nhà ở của người thuê nhà hội đủ điều kiện hoặc phạt những người thuê nhà còn lại. Nếu người lạm dụng hoặc thủ phạm bị trục xuất là người thuê duy nhất hội đủ điều kiện được hỗ trợ theo



chương trình, HP phải cho phép người thuê đã hoặc đang được VAWA bảo vệ và các thành viên khác của hộ gia đình ở lại ngôi nhà trong một khoảng thời gian để tuân theo chương trình này hay chương trình nhà ở HUD khác theo VAWA, hoặc, để tìm nhà khác.

Khi trục xuất người lạm dụng hoặc thủ phạm ra khỏi nhà, HP phải tuân thủ quy trình trục xuất của Liên bang, Tiểu bang và tại địa phương. Để chia hợp đồng thuê nhà, HP có thể, nhưng không bắt buộc phải yêu cầu quý vị cung cấp giấy tờ hoặc giấy chứng nhận về hành vi bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục, hoặc đe dọa (chẳng hạn như mẫu tự chứng nhận của HUD 5382).

### **Chuyển đến Nhà Khác**

Theo yêu cầu của quý vị, HP có thể cho phép quý vị chuyển đến nhà khác, tùy theo tình trạng sẵn có của nhà khác và vẫn hỗ trợ quý vị. Để chấp thuận yêu cầu, HP có thể yêu cầu quý vị cung cấp giấy tờ mà quý vị đang yêu cầu chuyển nhà do một vụ bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục, hoặc đe dọa. Nếu quý vị yêu cầu chuyển nhà khẩn cấp, người cung cấp nhà ở có thể yêu cầu quý vị trình bày yêu cầu bằng văn bản hoặc điền vào mẫu để chứng thực rằng quý vị đáp ứng tiêu chí chuyển nhà khẩn cấp theo VAWA. Tiêu chí như sau:

- (1) Quý vị là nạn nhân của bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục, hoặc đe dọa.** Nếu người cung cấp nhà ở chưa nhận được giấy tờ chứng minh quý vị là nạn nhân của bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục, hoặc đe dọa thì họ có thể yêu cầu quý vị cung cấp, như mô tả trong phần giấy tờ bên dưới.
- (2) Quý vị yêu cầu chuyển nhà khẩn cấp một cách rõ ràng.** Người cung cấp nhà ở có thể chọn yêu cầu quý vị gửi mẫu đơn hoặc có thể chấp nhận yêu cầu khác bằng văn bản hoặc bằng lời nói.

**(3) Quý vị có lý do để tin rằng mình bị đe dọa là sẽ bị bạo lực nữa nếu vẫn ở trong ngôi nhà hiện tại của mình.** Điều này có nghĩa là quý vị có lý do để lo sợ rằng nếu không được chuyển đi quý vị sẽ bị bạo lực trong tương lai rất gần.

### **HOẶC**

**Quý vị đã bị xâm hại tình dục ở ngôi nhà này trong khoảng thời gian 90 ngày theo lịch trước khi quý vị yêu cầu chuyển nhà.** Nếu quý vị đã bị xâm hại tình dục thì ngoài việc đáp ứng tiêu chí để được chuyển nhà khẩn cấp vì quý vị có lý do để tin rằng mình có nguy cơ sẽ bị bạo hành nữa nếu vẫn ở trong ngôi nhà này, quý vị có thể hội đủ điều kiện để chuyển nhà khẩn cấp nếu vụ xâm hại tình dục xảy ra tại ngôi nhà mà quý vị đang muốn chuyển đi và tình trạng xâm hại đã xảy ra trong khoảng thời gian 90 ngày theo lịch trước khi quý vị yêu cầu chuyển nhà một cách rõ ràng.

HP sẽ giữ bảo mật yêu cầu chuyển nhà khẩn cấp của nạn nhân bạo lực gia đình, bạo lực hện hò, xâm hại tình dục, hoặc đeo bám, đồng thời nỗ lực để giữ bảo mật nơi mà nạn nhân và gia đình họ sẽ chuyển đến.

Kế hoạch chuyển nhà khẩn cấp của HP cung cấp thêm thông tin về việc chuyển nhà khẩn cấp và HP phải cung cấp cho quý vị bản sao kế hoạch chuyển nhà khẩn cấp nếu quý vị muốn xem.

### **Giấy tờ chứng minh Quý vị Đã hoặc Đang Là Nạn nhân của Bạo lực Gia đình, Bạo lực Hện hò, Xâm hại Tình dục hoặc Đeo bám**

HP có thể, nhưng không bắt buộc, phải yêu cầu quý vị cung cấp giấy tờ để "chứng thực" rằng quý vị đã hoặc đang là nạn nhân của bạo lực gia đình, bạo lực hện hò, xâm hại tình dục, hoặc đeo bám. HP có thể yêu cầu bằng văn bản và HP phải cho quý vị ít nhất 14 ngày làm việc (không tính Thứ Bảy, Chủ Nhật và ngày lễ của Liên bang) kể từ ngày quý vị nhận được yêu cầu cung

cấp giấy tờ. HP có thể, nhưng không cần phải, gia hạn thời hạn cung cấp giấy tờ sau khi quý vị yêu cầu.

Quý vị có thể cung cấp một trong các giấy tờ sau cho HP. Quý vị có thể chọn loại giấy tờ sẽ cung cấp nếu HP yêu cầu cung cấp giấy tờ chứng minh quý vị đã hoặc đang là nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa.

- Mẫu chứng nhận hoàn chỉnh do HUD phê duyệt (Mẫu HUD 5382) mà HP cung cấp cho quý vị, ghi lại vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa. Quý vị phải điền vào mẫu này tên quý vị, ngày, giờ, và địa điểm xảy ra vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa và mô tả sự việc. Nếu biết tên của kẻ lạm dụng hoặc thủ phạm và nếu việc cung cấp tên kẻ đó là an toàn thì quý vị được phép điền vào mẫu chứng nhận này.
- Hồ sơ của cơ quan hành pháp Liên bang, Tiểu bang, bộ lạc, lãnh thổ hoặc địa phương, hồ sơ của tòa án, hoặc cơ quan hành chính ghi chép về vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa và phần mô tả sự việc. Ví dụ như báo cáo của cảnh sát, lệnh bảo vệ, lệnh cấm, trong số những điều khác.
- Một tờ khai có chữ ký của quý vị cùng với chữ ký của nhân viên, đại lý, hoặc tình nguyện viên của nhà cung cấp dịch vụ cho nạn nhân, luật sư, chuyên gia y tế hoặc chuyên gia về sức khỏe tâm thần (gọi chung là "chuyên gia") mà quý vị nhờ trợ giúp giải quyết vấn đề bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa, hay hậu quả của bạo hành, và chuyên gia mà quý vị lựa chọn chứng thực, chịu mọi hình phạt nếu khai man, là họ tin rằng vụ hoặc các vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa đó là cơ sở để bảo vệ.
- Bất kỳ lời khai hoặc bằng chứng nào khác mà HP đã đồng ý chấp nhận.

Nếu quý vị không cung cấp hoặc từ chối cung cấp một trong những giấy tờ này trong vòng 14 ngày làm việc, HP không phải bảo vệ quý vị theo thông báo này.

Nếu HP nhận được các bằng chứng mâu thuẫn về việc đã xảy ra một vụ bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục, hoặc đe dọa (chẳng hạn như các mẫu chứng nhận từ hai hoặc nhiều thành viên trong gia đình và mỗi người đều nhận mình là nạn nhân và tố cáo một hoặc nhiều thành viên gia đình đang kiến nghị khác là người lạm dụng hoặc thủ phạm), HP có quyền yêu cầu quý vị cung cấp giấy tờ của bên thứ ba trong vòng 30 ngày theo lịch để giải quyết mâu thuẫn. Nếu quý vị không cung cấp hoặc từ chối cung cấp giấy tờ của bên thứ ba khi xảy ra mâu thuẫn về bằng chứng, HP không phải bảo vệ quý vị theo thông báo này.

### **Bảo mật**

HP phải giữ bảo mật mọi thông tin quý vị cung cấp liên quan đến việc quý vị thực thi quyền của mình theo VAWA, kể cả việc quý vị đang thực thi quyền theo VAWA.

HP không được cho phép bất kỳ cá nhân nào quản lý việc hỗ trợ hoặc các dịch vụ khác thay cho HP (ví dụ, nhân viên hoặc nhà thầu) tiếp cận thông tin bảo mật trừ khi vì lý do đặc biệt cần yêu cầu các cá nhân đó tiếp cận thông tin này theo luật hiện hành của Liên bang, Tiểu bang, hoặc địa phương.

HP không được nhập thông tin của quý vị vào bất kỳ cơ sở dữ liệu được chia sẻ nào hoặc tiết lộ thông tin của quý vị cho bất kỳ tổ chức hay cá nhân nào khác. Tuy nhiên, HP có thể tiết lộ thông tin với điều kiện nếu:

- Quý vị có văn bản cho phép HP tiết lộ thông tin trong khoảng thời gian giới hạn.
- HP cần sử dụng thông tin trong quá trình trục xuất hoặc chấm dứt, chẳng hạn như trục xuất người lạm dụng hoặc thủ phạm hay chấm dứt hỗ trợ theo chương trình này đối với người lạm dụng hoặc thủ phạm.

- Luật yêu cầu HP hoặc chủ nhà của quý vị tiết lộ thông tin đó.

VAWA không giới hạn nghĩa vụ của HP trong việc tuân thủ các lệnh của tòa án về ra vào hoặc kiểm soát ngôi nhà. Điều này bao gồm các lệnh tòa được ban hành để bảo vệ nạn nhân và lệnh phân chia tài sản giữa các thành viên hộ gia đình trong trường hợp gia đình tan vỡ.

### **Lý do có thể Trục xuất hoặc Chấm dứt Hỗ trợ đối với Người thuê nhà Hội Đủ điều kiện hưởng Quyền Cư trú theo VAWA**

Quý vị có thể bị trục xuất và chấm dứt hỗ trợ nếu có hành vi vi phạm nghiêm trọng hoặc liên tục vi phạm hợp đồng thuê nhà mà không liên quan đến bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám mà quý vị là nạn nhân. Tuy nhiên, HP không được áp dụng nhóm quy tắc cho nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám khất khe hơn so với người không phải nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám.

Biện pháp bảo vệ được mô tả trong thông báo này có thể không được áp dụng và quý vị có thể bị trục xuất cũng như chấm dứt hỗ trợ, nếu HP có thể chứng minh rằng việc không trục xuất hay chấm dứt hỗ trợ đối với quý vị sẽ dẫn đến một mối nguy hiểm hiện hữu:

- 1) Sẽ xảy ra ngay lập tức, và
- 2) Có thể dẫn đến tổn hại cơ thể nghiêm trọng hoặc tử vong cho những người thuê khác hoặc những người làm việc ở ngôi nhà.

Nếu HP có thể chứng minh điều trên, HP chỉ được trục xuất hay chấm dứt hỗ trợ đối với quý vị nếu không thể thực hiện các hành động khác để giảm bớt hay loại bỏ mối nguy hiểm.

### **Luật khác**

VAWA không thay thế luật Liên bang, Tiểu bang, hoặc địa phương. Các luật này bảo vệ nhiều hơn cho nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám. Quý vị

có thể được hưởng các quyền bảo vệ khác về nhà ở dành cho nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa theo các luật Liên bang khác cũng như theo luật Tiểu bang và địa phương.

### **Không tuân thủ Yêu cầu của Thông báo Này**

Quý vị có thể báo cáo việc người cung cấp nhà ở liên quan vi phạm các quyền này và xin hỗ trợ thêm, nếu cần, bằng cách liên hệ hoặc nộp đơn khiếu nại cho TDHCA tại

<https://www.tdhca.state.tx.us/complaint.htm> hoặc gọi đến số 800-525-0657 hay 817-978-5600 của Văn phòng khu vực HUD Fort Worth, (800) -669-9777, (TTY 817-978-5595).

### **Để biết Thêm Thông tin**

Quý vị có thể xem bản sao quy tắc VAWA cuối cùng của HUD tại:

<https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

Ngoài ra, HP phải cung cấp cho quý vị bản sao quy định VAWA của HUD nếu quý vị muốn xem.

Nếu có thắc mắc liên quan đến VAWA, và/hoặc nếu quý vị cần chuyển nhà do bị bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa, hãy liên hệ với Bộ Gia Cư và Sự Vụ Cộng Đồng Texas theo số 512-475-3800 hoặc 800-475-3800 (Relay Texas 800-735-2989) để được trợ giúp tìm nhà khác (lưu ý rằng đây không phải đường dây nóng về bạo lực gia đình). Tùy thuộc vào vị trí của quý vị, Bộ cũng có thể cung cấp danh sách nhà cung cấp dịch vụ địa phương và người biện hộ có thể giúp quý vị chuyển đến ngôi nhà an toàn. Để biết thêm thông tin về nhà ở và luật khác có thể bảo vệ hay cung cấp các tùy chọn khác cho các nạn nhân, hãy gọi cho Đội ngũ Chính sách của Hội đồng Bạo lực Gia đình Texas theo số: 1-800-525-1978.

## **Tài nguyên về Bạo lực Gia đình, Xâm hại Tình dục và Đeo bám**

Để trò chuyện với người biên hộ và nhận hỗ trợ, thông tin cũng như tư vấn bảo mật về bạo lực gia đình 24/7, hãy liên hệ với Đường dây nóng về Bạo lực Gia đình Quốc gia theo số 1-800-799-7233 hoặc số hỗ trợ những người khiếm thính 1-800-787-3224 (TTY). Quý vị cũng có thể truy cập trang web của Hội đồng Bạo lực Gia đình Texas để xem danh sách nhà cung cấp dịch vụ về bạo lực gia đình tại địa phương: [http://tcfv.org/service-directory/?wpbdp\\_view=all\\_listings](http://tcfv.org/service-directory/?wpbdp_view=all_listings).

Để nhận tư vấn và dịch vụ hỗ trợ bảo mật từ trung tâm khủng hoảng xâm hại tình dục tại địa phương 24/7, hãy liên hệ với RAINN: Mạng lưới Cường bức, Bạo hành và Loạn luân Quốc gia: Đường dây nóng: 1-800-656-HOPE. Quý vị cũng có thể truy cập trang web của Hiệp hội Chống Xâm hại Tình dục Texas để tìm trung tâm khủng hoảng tại địa phương: <http://taasa.org/crisis-center-locator/>.

Để biết thông tin về vấn đề đeo bám, hãy truy cập trang web của Trung tâm Tài nguyên về Đeo bám của Trung tâm Quốc gia dành cho Nạn nhân của Tội phạm tại

<https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Nạn nhân của các loại tội phạm khác nhau có thể xin tư vấn bằng cách liên hệ với Trung tâm Tài nguyên Kết nối với Nạn nhân, dự án của NCVC, bằng cách gọi đến Đường dây nóng Kết nối với Nạn nhân: 855-4-VICTIM (855-484-2846) hoặc tìm kiếm nhà cung cấp tại địa phương tại

<http://victimconnect.org/get-help/connect-directory/>.

Tài nguyên Pháp lý

**TexasLawHelp.org**

[www.texaslawhelp.org](http://www.texaslawhelp.org)

TexasLawHelp.org là trang web cung cấp thông tin pháp lý miễn phí, đáng tin cậy về các chủ đề khác nhau, chẳng hạn như luật gia đình, bảo vệ người tiêu dùng và giảm nợ, sức khỏe và lợi ích, luật lao động, nhà ở, di chúc và lên kế hoạch cuộc sống cũng như nhập cư. Trang web cung cấp

các mẫu pháp lý có tính tương tác và có thể tải xuống, video và công cụ tự trợ giúp về vấn đề pháp lý và có thể hỗ trợ tìm dịch vụ pháp lý miễn phí tại địa phương.

Texas Advocacy Project, VOICE

**1.888. 343.4414**

Biện hộ cho Nạn nhân của Tội phạm (VOICE), dự án của Trung tâm Dịch vụ Pháp lý Texas, đưa ra tuyên bố và tư vấn pháp lý trực tiếp miễn phí cho nạn nhân tội phạm bạo lực và hướng dẫn về các quyền cũng như hỗ trợ cho nạn nhân của tội phạm bằng ứng dụng Bù đắp cho Nạn nhân của Tội phạm. Lưu ý: người gọi thường để lại tin nhắn và luật sư sẽ gọi lại cho họ.

Hỗ trợ Pháp lý về Nạn nhân của Xâm hại Tình dục (LASSA)

**1-844-303-SAFE (7233)**

Đường Dây Nóng của LASSA do luật sư giải đáp vào tất cả các ngày trong tuần. Luật sư đường Dây Nóng cung cấp cho nạn nhân xâm hại tình dục tư vấn và thông tin pháp lý về vấn đề pháp lý có thể liên quan đến tình trạng xâm hại tình dục, bao gồm kế hoạch an toàn, nhà ở và quyền của nạn nhân tội phạm.

Đường dây Pháp lý về Bạo lực Gia đình

**800-374-HOPE**

Texas Advocacy Project. Dịch vụ HOPE Line với các luật sư làm việc Thứ Hai- Thứ Sáu, 9:00 sáng-5:00 chiều, để giải đáp cho quý vị các lo ngại pháp lý khác nhau liên quan đến bạo lực gia đình, xâm hại tình dục, và đeo bám.

**Tệp đính kèm:** Mẫu chứng nhận HUD-5382.



**CERTIFICACIÓN DE VIOLENCIA  
DOMÉSTICA, VIOLENCIA EN UNA  
RELACIÓN, ABUSO SEXUAL O ACOSO,  
Y DOCUMENTACIÓN ALTERNATIVA**

**Departamento de Vivienda y  
Desarrollo Urbano de los EE. UU.**

Aprobación de la OMB n.º 2577-0286  
Vto. 30/6/2017

**Propósito del formulario:** La Ley de Violencia contra la Mujer (Violence Against Women Act, VAWA) brinda protección a solicitantes, arrendatarios y participantes de ciertos programas del Departamento de Viviendas (HUD, por sus siglas en inglés) contra desalojos, negación de asistencia en relación con las viviendas o terminación de la asistencia para la vivienda con motivo de actos de violencia doméstica, violencia en una relación, abuso sexual o acoso que pesen en su contra. A pesar del nombre que se le ha asignado a esta ley, la protección que ofrece la VAWA se encuentra disponible para víctimas de violencia doméstica, violencia en una relación, abuso sexual y acoso, independientemente del sexo, la identidad de género o la orientación sexual.

**Uso de este formulario opcional:** En caso de que procure obtener protección en virtud de la VAWA por parte de su proveedor de viviendas, dicho proveedor podrá entregarle una solicitud por escrito por medio de la cual se le pide que presente documentación sobre el hecho o los hechos de violencia doméstica, violencia en una relación, abuso sexual o acoso.

En respuesta a dicha solicitud, usted o alguien en su nombre deberá completar este formulario opcional y presentarlo ante su proveedor de viviendas, o bien puede presentar uno de los siguientes tipos de documentación de terceros:

- (1) Un documento, que debe llevar su firma, junto con la firma de un empleado, agente o voluntario de un proveedor de servicios a la víctima, un abogado, un profesional de la medicina o un profesional de la salud mental (denominados, en forma conjunta, “profesionales”) a quienes recurrió para obtener asistencia y abordar las situaciones de violencia doméstica, violencia en una relación, abuso sexual o acoso, o los efectos derivados del abuso. En el documento, debe especificarse bajo pena de perjurio que el profesional considera que el hecho o los hechos de violencia doméstica, violencia en una relación, abuso sexual o acoso tuvieron lugar y se ajustan a la definición de “violencia doméstica”, “violencia en una relación”, “abuso sexual” o “acoso” conforme se establece en las reglamentaciones del HUD incluidas en la sección 5.2003 del título 24 del Código de Reglamentaciones Federales (CFR, por sus siglas en inglés);
- (2) Un registro de un organismo del cumplimiento de la ley, un tribunal o un organismo administrativo federal, estatal, tribal, territorial o local; o
- (3) A criterio del proveedor de la vivienda, una declaración o algún otro tipo de prueba proporcionados por el solicitante o el arrendatario.

**Presentación de la documentación:** El período para presentar la documentación es de catorce (14) días hábiles a partir de la fecha en que recibe la solicitud por escrito por parte del proveedor de viviendas en la que se le pide que presente documentación en relación con el hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso. Aunque no está obligado a hacerlo, el proveedor de viviendas podrá extender la fecha límite establecida para presentar la documentación, en caso de que usted solicite una extensión de dicha fecha. Si no se recibe la información solicitada dentro de los catorce (14) días hábiles posteriores a la recepción de la solicitud de documentación, o de la extensión de la fecha establecida por el proveedor de viviendas, el proveedor de viviendas no está obligado a otorgarle ninguna de las protecciones establecidas en la VAWA. La distribución o la emisión de este formulario no representa una solicitud de certificación por escrito.

**Confidencialidad:** La totalidad de la información que se le proporciona a su proveedor de viviendas en relación con el (los) hecho(s) de violencia doméstica, violencia en una relación, abuso sexual o acoso se conservará confidencial y no se ingresará en ninguna base de datos compartida. Los empleados de su proveedor de viviendas no tendrán acceso a dicha información, excepto para los fines de otorgarle o rechazarle protecciones en virtud de la VAWA. Así mismo, tales empleados no divulgarán esta información a ninguna entidad o individuo, excepto que la divulgación: (i) cuente con su aprobación por escrito para divulgar la información por un tiempo limitado; (ii) deba utilizarse en un procedimiento de desalojo o en una audiencia vinculada con la terminación de la asistencia; o (iii) fuese a utilizarse de algún otro modo conforme lo exija la ley vigente.

**PARA QUE COMPLETE LA VÍCTIMA DE UN HECHO DE VIOLENCIA DOMÉSTICA, VIOLENCIA EN UNA RELACIÓN, ABUSO SEXUAL O ACOSO, O ALGUIEN EN SU NOMBRE**

1. Fecha en que la víctima recibe la solicitud por escrito: \_\_\_\_\_

2. Nombre de la víctima: \_\_\_\_\_

3. Su nombre (en caso de ser diferente del de la víctima): \_\_\_\_\_

4. Nombre(s) de otro(s) miembro(s) de la familia que se menciona(n) en el contrato de alquiler

\_\_\_\_\_

\_\_\_\_\_

5. Residencia de la víctima: \_\_\_\_\_

6. Nombre del perpetrador acusado (si lo sabe y no es riesgoso divulgarlo): \_\_\_\_\_

7. Relación del perpetrador acusado con la víctima: \_\_\_\_\_

8. Fecha(s) y hora(s) del (de los) hecho(s) (si lo sabe): \_\_\_\_\_

10. Lugar del (de los) hecho(s): \_\_\_\_\_

Con sus propias palabras, describa brevemente el (los) hecho(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Por el presente, se certifica que la información proporcionada en este formulario es verdadera y correcta a mi leal saber y entender, y que el individuo que se menciona en el punto 2 es o ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso. Sé que el hecho de proporcionar información falsa podría poner en peligro el derecho de acceder al programa y servir como fundamento para que se rechace el ingreso, se dé por finalizada la asistencia o se proceda al desalojo.

Firma \_\_\_\_\_ Firmado el (fecha) \_\_\_\_\_

**Tiempo necesario para la recopilación:** El tiempo necesario para la recopilación de estos datos se estima en una (1) hora promedio por respuesta, incluido el tiempo que se necesita para recopilar, revisar y presentar los datos. El proveedor de viviendas utilizará la información para solicitar la certificación de que el solicitante o el arrendatario es víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso. La información queda sujeta a los requisitos de confidencialidad establecidos en la VAWA. Este organismo no recopilará este tipo de información, y usted no está obligado a completar el presente formulario, excepto que contenga un número de control de la Oficina de Administración y Presupuesto (OMB, por sus siglas en inglés) actualmente válido.

NOTICE OF OCCUPANCY RIGHTS UNDER  
THE VIOLENCE AGAINST WOMEN ACT

**[Insert Name of Housing Provider<sup>1]</sup>**

**Notice of Occupancy Rights under the Violence Against Women Act<sup>2</sup>**

**To all Tenants and Applicants**

The Violence Against Women Act (VAWA) provides protections for persons that have been subject to domestic violence, dating violence, sexual assault, or stalking.<sup>3</sup> VAWA protections are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>4</sup>

The Texas Department of Housing and Community Affairs is the State agency that oversees (please circle the covered program) **the Housing Tax Credit, HOME Multifamily, HOME**

**Tenant Based Rental Assistance, Tax Credit Assistance Program-Repayment Funds,**

**National Housing Trust Fund, Emergency Solutions Grant, Section 811 Project Rental**

**Assistance Program, and the Housing Choice Voucher Program “covered program”.** This

notice explains your rights under VAWA. A U.S. Department of Housing (“HUD”) approved certification form is attached to this notice. You can fill out this form to show that you are or have been subject to domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

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<sup>1</sup> The notice uses HP for housing provider but the housing provider should insert its name where HP is used. Program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

<sup>2</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> The VAWA statute uses the term victims to describe those with VAWA protections, but the Department herein refers to this class of persons as subject to protections under VAWA.

<sup>4</sup> Housing providers in the covered programs 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.

### **Protections for Applicants**

If you otherwise qualify for assistance under **a covered program listed above**, you cannot be denied admission or denied assistance because you are or have been subject to domestic violence, dating violence, sexual assault, or stalking.

### **Protections for Tenants**

If you are receiving assistance under **the covered program**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been subject to domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been subject to 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 **the covered program** 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**

The Housing Provider (“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 VAWA protections 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 (such as HUD's self-certification form 5382).

### **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 have been subject to 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 have been subject to sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you have been subject to 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 work to ensure the confidentiality of 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 subject to 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 (HUD form 5382) 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 subject to domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been subject to 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 persons subject to domestic violence, dating violence, sexual assault, or stalking. You may be

entitled to additional housing protections for persons subject to 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 TDHCA at

<https://www.tdhca.state.tx.us/complaint.htm> or 800-525-0657 or 817-978-5600 the HUD Fort Worth regional office, (800) -669-9777, (TTY 817-978-5595).

**For Additional Information**

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

<https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

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

For questions regarding VAWA, and/or if you need to move due to domestic violence, dating violence, sexual assault, or stalking please contact the Texas Department of Housing and Community Affairs at 512-475-3800 or 800-475-3800 (Relay Texas 800-735-2989) for assistance in locating other available housing (note, this is not a domestic violence hotline).

Depending on your location, the Department may also have a listing of local service providers and advocates who can help you move to a safe and available unit. For more information regarding housing and other laws that may protect or provide additional options for survivors, call the Texas Council on Family Violence Policy Team at: 1-800-525-1978.

## **Domestic Violence, Sexual Assault and Stalking Resources**

To speak with an advocate and receive confidential support, information and referrals regarding domestic violence 24 hours a day, every day, contact the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also visit the Texas Council on Family Violence website for a listing of local domestic violence services providers: [http://tcfv.org/service-directory/?wpbdp\\_view=all\\_listings](http://tcfv.org/service-directory/?wpbdp_view=all_listings).

For confidential support services and referral to a local sexual assault crisis center 24 hours a day, every day, contact RAINN: Rape, Abuse, & Incest National Network: Hotline: 1-800-656-HOPE. You may also visit the Texas Association Against Sexual Assault to find local crisis centers: <http://taasa.org/crisis-center-locator/>.

For information regarding stalking visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Victims of a variety of crimes may find referrals by contacting the Victim Connect Resource Center, a project of the NCVC, through calling Victim Connect Helpline: 855-4-VICTIM (855-484-2846) or searching for local providers at <http://victimconnect.org/get-help/connect-directory/>.

### Legal Resources

**TexasLawHelp.org**  
[www.texaslawhelp.org](http://www.texaslawhelp.org)

TexasLawHelp.org is a website that provides free, reliable legal information on a variety of topics such as; family law, consumer protection and debt relief, health and benefits, employment law, housing, wills and life planning, and immigration. The website offers interactive and downloadable legal forms, self-help tools and videos on legal issues, and can assist in locating local free legal services.

Texas Advocacy Project, A VOICE

**1.888. 343.4414**

Advocates for Victims of Crime (A VOICE), a project of Texas Legal Services Center, provides free direct legal representation and referrals to victims of violent crime, and providing education about crime victim's rights and assistance with Crime Victims Compensation applications. Note: callers will most likely leave a message and their call will be returned by an attorney.

Legal Aid for Survivors of Sexual Assault (LASSA)

**1-844-303-SAFE (7233)**

The LASSA Hotline is answered by attorneys seven days a week. The Hotline attorneys provide sexual assault survivors with legal information and advice about legal issues that may arise following a sexual assault including crime victim's rights, housing, and safety planning.

Family Violence Legal Line

**800-374-HOPE**

Texas Advocacy Project. Offers the HOPE Line, Monday -Friday 9am-5pm, staffed by attorneys can help you with a variety of legal concerns related to domestic violence, sexual assault, and stalking.

**Attachment:** Certification form HUD-5382.

**[Introducir el nombre del proveedor de la vivienda (HP, por sus siglas en inglés)]<sup>1</sup>**

**Notificación de derechos de ocupación en virtud de la Ley de violencia contra la mujer<sup>2</sup>**

**A todos los Arrendatarios y Solicitantes**

En virtud de la Ley de violencia contra la mujer (Violence Against Women Act, VAWA), se brinda protección a todas aquellas personas que hayan sido víctimas de violencia doméstica, violencia en una relación, abuso sexual o acoso.<sup>3</sup> La protección que se ofrece por medio de la VAWA se encuentra disponible de manera igualitaria para todos los individuos, independientemente del sexo, la identidad de género o la orientación sexual.<sup>4</sup> El Departamento de Vivienda y Asuntos de la Comunidad de Texas (Texas Department of Housing and Community Affairs, TDCHA) es el organismo estatal encargado de supervisar (por favor marque con un círculo el programa cubierto correspondiente) **el “programa cubierto” Crédito Fiscal para la Vivienda, HOME Multifamiliar, Asistencia para el arrendamiento en función del Arrendatario de HOME, Programa de Asistencia de Créditos Fiscales-Fondos de Repago, Fondo Fiduciario Nacional de Viviendas, Programa de Asistencia al Alquiler del Proyecto de la Sección 811, Subsidio para Soluciones de Emergencia y el Programa de Elección de Viviendas.** En la presente notificación, se le explican sus derechos en virtud de la VAWA. Se adjunta a la presente notificación un formulario de certificación aprobado por el Departamento

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<sup>1</sup> En esta notificación, se utiliza la abreviatura HP para referirse al proveedor de la vivienda. No obstante, dicho proveedor deberá escribir su nombre cada vez que aparezca HP en el texto. En las reglamentaciones pertinentes al programa, se identifica al individuo o a la entidad responsables de entregar la notificación de derechos de ocupación.

<sup>2</sup> A pesar del nombre que se le ha asignado a la ley, la protección que ofrece la VAWA se encuentra disponible para todos, independientemente del sexo, la identidad de género o la orientación sexual.

<sup>3</sup> En la VAWA, se utiliza el término “víctimas” para describir a quienes se encuentran protegidos por la VAWA. No obstante, en el presente, el Departamento hace referencia a este tipo de personas como individuos sujetos a protecciones en virtud de la VAWA.

<sup>4</sup> Los proveedores de viviendas que participan de los programas cubiertos no pueden ejercer ningún tipo de discriminación producto de una característica protegida, como raza, color, nacionalidad, religión, sexo, situación familiar, discapacidad o edad. Las viviendas con asistencia del HUD y con seguro del HUD deben ponerse a disposición de todos los individuos que reúnen los requisitos necesarios, independientemente de la orientación sexual, la identidad de género o el estado civil reales o percibidos.

de Vivienda (HUD, por sus siglas en inglés) de los Estados Unidos. Puede completar el formulario para indicar que es o que ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso, y que desea hacer uso de los derechos que le confiere la VAWA.

### **Protección para Solicitantes**

Si, de algún otro modo, reúne los requisitos para recibir asistencia en virtud de **uno de los programas cubiertos mencionados**, no se le puede negar el ingreso ni la asistencia como consecuencia de ser o haber sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso.

### **Protección para Arrendatarios**

Si recibe asistencia en virtud del **programa cubierto**, no se le puede negar la asistencia, exigirle que cese la participación ni ser desalojado de la propiedad que alquila por ser o haber sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso.

Así mismo, en caso de que usted o un individuo a su cargo sea o haya sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso por parte de un miembro de su hogar o un huésped, no se le podrá negar la asistencia con el arrendamiento ni los derechos de ocupación en virtud del **programa cubierto** exclusivamente con motivo de la actividad delictiva directamente relacionada con dicho hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso.

La expresión “individuo a su cargo” puede hacer referencia a su cónyuge, padre, madre, hermano, hermana, hijo o hija; o bien a una persona respecto de la cual usted ocupa la función de padre o tutor (por ejemplo, que el individuo a cargo se encuentre bajo su cuidado, custodia o control) o a cualquier individuo, arrendatario u ocupante legal que viva en su hogar.

**Retirar al abusador o perpetrador del hogar**

El proveedor de la vivienda (HP) podrá dividir (bifurcar) el alquiler a fin de desalojar al individuo o dar por finalizada la asistencia del individuo que ha participado de una actividad delictiva (el abusador o perpetrador) directamente relacionada con violencia doméstica, violencia en una relación, abuso sexual o acoso.

En caso de que el HP decida retirar al abusador o perpetrador de la vivienda, no podrá retirarles a los Arrendatarios que reúnen los requisitos necesarios el derecho de permanecer en la unidad o, de algún otro modo, reprender a los demás arrendatarios. En caso de que el abusador o perpetrador desalojado fuese el único arrendatario que reúne los requisitos necesarios establecidos para obtener asistencia en virtud del programa, el HP debe permitirles al arrendatario que posee protección de la VAWA y al resto de los miembros del hogar permanecer en la unidad por un tiempo, a fin de determinar el cumplimiento de requisitos en virtud del programa o de otro programa de viviendas otorgado por el HUD y amparado por la VAWA, o de buscar otra vivienda.

En el momento de retirar al abusador o perpetrador del hogar, el HP debe cumplir con los procedimientos federales, estatales y locales de desalojo. Para dividir un alquiler, el HP podrá, aunque no está obligado a hacerlo, solicitarle algún tipo de documentación o certificación en relación con los hechos de violencia doméstica, violencia en una relación, abuso sexual o acoso (por ejemplo, el formulario de autocertificación 5382 del HUD).

**Traslado a otra unidad**

Conforme usted lo solicite, el HP podrá permitirle que se traslade a otra unidad, sujeto a disponibilidad de unidades, y que, aun así, conserve la asistencia. A fin de aprobar una solicitud, el HP podrá pedirle que presente documentación en la que se indique que solicita el traslado con



motivo de un hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso. En caso de que se trate de una solicitud de traslado de emergencia, el proveedor de la vivienda podrá pedirle que presente una solicitud por escrito, o bien que complete un formulario por medio del cual se certifique que reúne los requisitos correspondientes para solicitar un traslado de emergencia conforme se establece en la VAWA. Los criterios son los siguientes:

**(1) Ser víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso.** En caso de que el proveedor de la vivienda todavía no cuente con documentación en la que conste que usted ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso, podrá solicitarle que presente dicha documentación, conforme se describe en la sección sobre documentación más abajo.

**(2) Solicitar expresamente el traslado de emergencia.** El proveedor de la vivienda puede optar por solicitarle que presente un formulario o aceptar otro tipo de solicitud en forma verbal o por escrito.

**(3) Tener fundamentos razonables para sentirse amenazado de sufrir un daño inminente producto de otros actos de violencia en caso de permanecer en la unidad actual.** Esto significa que tiene motivos para temer que, en caso de no trasladarse, podría sufrir un acto de violencia en el futuro muy cercano.

#### **O BIEN**

**Haber sido víctima de abuso sexual y que el abuso haya ocurrido en el lugar durante el período de 90 días calendario previo a la solicitud del traslado.** En caso de haber sido víctima de abuso sexual, podrá, además de reunir los requisitos para un traslado de emergencia debido a que tiene motivos suficientes para sentirse amenazado de sufrir un daño inminente producto de otros actos de

violencia si permanece en la unidad, cumplir con los requisitos para acceder a un traslado de emergencia en caso de que el abuso sexual haya ocurrido dentro de la propiedad respecto de la cual procura trasladarse, y que el abuso haya tenido lugar durante el período de 90 días calendario previo a la solicitud expresa del traslado.

El HP conservará la confidencialidad de todas las solicitudes de traslado de emergencia realizadas por víctimas de violencia doméstica, violencia en una relación, abuso sexual o acoso, y trabajará para garantizar la confidencialidad de la ubicación a la que se trasladen la víctima y sus familiares.

En el plan de traslado de emergencia del HP, se proporciona información adicional sobre dichos traslados. El HP debe proporcionarle una copia de su plan de traslado de emergencia en caso de que usted lo solicite.

### **Documentar el hecho de ser o haber sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso**

Aunque no está obligado a hacerlo, el HP puede solicitarle que presente documentación por medio de la cual se “certifica” que usted es o ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso. Dicha solicitud por parte del HP debe entregarse por escrito. El HP debe concederle, como mínimo, 14 días hábiles (no se toman en cuenta sábados, domingos ni feriados nacionales) desde el día en que recibe la solicitud de documentación.

Aunque no está obligado a hacerlo, el HP podrá extender la fecha límite para la presentación de la documentación, en caso de que usted así lo solicite.

Puede presentar como documentación ante el HP uno de los siguientes comprobantes. Usted elige cuál de los siguientes comprobantes presentará en caso de que el HP le pida que proporcione documentación en la que se pruebe que es o ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso.

- Un formulario de certificación completo aprobado por el HUD (formulario 5382 del HUD), que el HP le entregó junto con esta notificación, en el que se documente el hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso. En el formulario, se le pedirá su nombre, la fecha, hora y lugar del hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso, y una descripción del hecho. En el formulario de certificación, puede incluirse el nombre del abusador o perpetrador, en caso de que se sepa quién es y sea seguro indicar su identidad.
- Un registro de un organismo del cumplimiento de la ley, un tribunal o un organismo administrativo federal, estatal, tribal, territorial o local en el que se documente el hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso. Entre los ejemplos de dichos registros, pueden mencionarse informes policiales, órdenes de protección y órdenes de restricción, entre otros.
- Una declaración, que debe llevar su firma, junto con la firma de un empleado, agente o voluntario de un proveedor de servicios a la víctima, un abogado, un profesional de la medicina o un profesional de la salud mental (denominados, en forma conjunta, “profesionales”) a quienes recurrió para obtener asistencia y abordar las situaciones de violencia doméstica, violencia en una relación, abuso sexual o acoso, o los efectos derivados del abuso. Así mismo, el profesional que usted seleccione deberá jurar bajo pena de perjurio que considera que el hecho o los hechos de violencia doméstica, violencia en una relación, abuso sexual o acoso son motivo suficiente para solicitar protección.
- Cualquier otro tipo de declaración o prueba que el HP haya acordado aceptar.

Si omite presentar o se niega a presentar uno de estos documentos en un período de 14 días hábiles, el HP no está obligado a brindarle las protecciones mencionadas en esta notificación.

Si el HP recibe pruebas incompatibles de un hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso (como formularios de certificación por parte de dos o más miembros de un hogar, en el que cada uno alegue ser víctima y nombre a uno o más del resto de los miembros del hogar como abusadores o perpetradores), el HP tiene derecho a solicitarle que presente documentación de terceros dentro de un período de treinta (30) días calendario a fin de proceder con la resolución del conflicto. Si omite presentar o se niega a presentar documentación de terceros cuando haya pruebas incompatibles, el HP no está obligado a brindarle las protecciones mencionadas en esta notificación.

### **Confidencialidad**

El HP debe conservar la confidencialidad de la información que usted proporcione en relación con el ejercicio de sus derechos en virtud de la VAWA, incluido el hecho de que ejerce sus derechos en virtud de la VAWA.

El HP no debe permitir que ningún individuo que administre la asistencia u otros servicios en nombre del HP (por ejemplo, empleados y contratistas) tenga acceso a información confidencial, excepto por motivos especiales que exijan que estos individuos tengan acceso a este tipo de información de conformidad con las leyes federales, estatales o locales correspondientes.

El HP no debe ingresar información sobre su persona en ninguna base de datos compartida ni divulgar su información a otro individuo o entidad. No obstante, el HP podrá divulgar la información proporcionada en caso de que:

- Usted le otorgue al HP permiso por escrito para divulgar la información por un tiempo limitado.
- El HP necesite utilizar la información en un procedimiento de desalojo o terminación, como el desalojo de su abusador o perpetrador, o la culminación de la asistencia al abusador o perpetrador de conformidad con este programa.
- La ley le exija al HP o al propietario divulgar la información.

La VAWA no limita la obligación del HP de cumplir con las órdenes de los tribunales respecto del acceso o el control de la propiedad. Esto incluye las órdenes que se emiten para proteger a una víctima y las órdenes mediante las cuales se divide la propiedad entre los miembros del hogar en casos en que la familia se desintegra.

**Motivos por los cuales puede darse por finalizada la asistencia o puede desalojarse a un arrendatario que reúne los requisitos para acceder a los derechos de ocupación en virtud de la VAWA**

Usted puede sufrir un desalojo o dejar de recibir asistencia en caso de violaciones graves o reiteradas del alquiler que no están relacionadas con actos de violencia doméstica, violencia en una relación, abuso sexual o acoso que se cometan en su contra. Sin embargo, el HP no puede someter a los arrendatarios que hayan sido víctimas de violencia doméstica, violencia en una relación, abuso sexual o acoso a un conjunto de reglas más exigente que el que rige para los arrendatarios que no han sido víctimas de violencia doméstica, violencia en una relación, abuso sexual o acoso.

Es posible que las protecciones que se describen en esta notificación no se apliquen y que usted sufra un desalojo y deje de recibir asistencia en caso de que el HP pueda demostrar que el hecho de no desalojarlo o darle por finalizada la asistencia podría representar un peligro físico real que:

- 1) Podría tener lugar en un lapso inmediato; y
- 2) Podría derivar en la muerte o el daño físico grave de otros arrendatarios o de quienes trabajan en la propiedad.

Si el HP puede demostrar lo antedicho, el HP solo debería darle por finalizada la asistencia o desalojarlo en caso de que no puedan tomarse otras medidas para reducir o eliminar la amenaza.

### **Otras leyes**

La VAWA no reemplaza ninguna ley federal, estatal ni local que ofrezca un mayor nivel de protección a individuos que son víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso. Puede tener derecho a recibir otro tipo de protección en relación con la vivienda para personas que son víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso en virtud de otras leyes federales, así como de las leyes estatales y locales.

### **Incumplimiento de los requisitos establecidos en esta notificación**

Para denunciar el incumplimiento de estos derechos por parte de un proveedor de viviendas cubierto y obtener asistencia adicional, en caso de ser necesario, comuníquese con el TDCHA o presente un reclamo ante este organismo en <https://www.tdhca.state.tx.us/complaint.htm>, o bien llame al 800-525-0657 o al 817-978-5600, oficina regional del HUD en Fort Worth, (800) 669-9777 (TTY 817-978-5595).

### **Para obtener más información**

Puede acceder a una copia de la reglamentación final de la VAWA del HUD en:

<https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

Además, el HP debe poner a su disposición una copia de las reglamentaciones de la VAWA del HUD en caso de que usted solicite acceso a ellas.

Si desea realizar preguntas en relación con la VAWA y/o si necesita trasladarse producto de un hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso, por favor comuníquese con el Departamento de Vivienda y Asuntos de la Comunidad de Texas al 512-475-3800 o 800-475-3800 (servicio telefónico de retransmisión Relay Texas: 800-735-2989) para obtener ayuda y encontrar otras viviendas disponibles (tenga en cuenta que ésta no es una línea directa para denunciar casos de violencia doméstica). En función de su ubicación, el Departamento también contará con un listado de proveedores de servicios y abogados locales que pueden ayudarlo a trasladarse a una unidad segura y disponible. Para obtener más información sobre leyes de viviendas y otras leyes que brindan protección u ofrecen otras opciones a los sobrevivientes, comuníquese con el Equipo de Políticas del Consejo de Texas sobre Violencia Familiar (Texas Council on Family Violence Policy Team) al 1-800-525-1978.

## **Recursos sobre violencia doméstica, abuso sexual y acoso**

Para conversar con un abogado y obtener asistencia confidencial, información y derivaciones en relación con la violencia doméstica las 24 horas, todos los días, comuníquese con la Línea Directa Nacional de Violencia Doméstica al 1-800-799-7233; las personas con dificultades auditivas deben llamar al 1-800-787-3224 (TTY). Así mismo, puede visitar el sitio web del Consejo de Texas sobre Violencia Familiar para acceder a un listado de proveedores de servicios locales relacionados con la violencia doméstica: [http://tcfv.org/service-directory/?wpbdp\\_view=all\\_listings](http://tcfv.org/service-directory/?wpbdp_view=all_listings).

Para acceder a servicios de asistencia confidencial y derivación a un centro local de atención de crisis por abusos sexuales, las 24 horas, todos los días, póngase en contacto con la línea directa de RAINN: Rape, Abuse & Incest National Network (Red Nacional contra Violaciones, Abusos e Incesto), al 1-800-656-HOPE. También puede visitar el sitio web de la Asociación Texana contra Abusos Sexuales (Texas Association Against Sexual Assault) para encontrar centros locales de atención de crisis: <http://taasa.org/crisis-center-locator/>.

Para obtener información sobre el acoso, visite el Centro de Recursos sobre el Acoso del Centro Nacional de Víctimas de Delitos (National Center for Victims of Crime, NCVC) en <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Para obtener derivaciones, las víctimas de distintos delitos pueden comunicarse con el Centro de Recursos Victim Connect, que es un proyecto del NCVC, llamar a la línea directa de Victim Connect: 855-4-VICTIM (855-484-2846) o buscar proveedores locales en <http://victimconnect.org/get-help/connect-directory/>.

Recursos legales

**TexasLawHelp.org**  
[www.texaslawhelp.org](http://www.texaslawhelp.org)



TexasLawHelp.org es un sitio web que proporciona información legal gratuita y confiable sobre distintos temas, como legislación sobre familia, protección del consumidor y asistencia con deudas, salud y beneficios, legislación laboral, vivienda, testamentos y planificación de la vida, e inmigración. En el sitio web, hay formularios legales interactivos y para descargar, herramientas de autoayuda y videos sobre asuntos legales. Además, en la página se indica cómo buscar servicios legales gratuitos en su localidad.

Texas Advocacy Project, A VOICE (Proyecto de Defensoría de Texas, UNA VOZ)

**1.888. 343.4414**

El proyecto Advocates for Victims of Crime (A VOICE) (Defensores de Víctimas de Delitos [UNA VOZ]), del Centro de Servicios Legales de Texas (Texas Legal Services Center), brinda representación legal directa y gratuita, y recomendaciones a víctimas de delitos violentos.

Además, ofrece información educativa sobre los derechos de las víctimas de delitos y brinda asistencia con la presentación de solicitudes del programa Crime Victims Compensation (Compensación para Víctimas de Delitos). Nota: Por lo general, quienes se comunican dejan un mensaje y un abogado les responde el llamado.

Legal Aid for Survivors of Sexual Assault (LASSA, Asistencia Legal para Sobrevivientes de Abusos Sexuales)

**1-844-303-SAFE (7233)**

Hay abogados disponibles para responder la línea directa de LASSA los siete días de la semana. Los abogados de la línea directa les brindan a los sobrevivientes de abusos sexuales información legal y asesoramiento sobre asuntos legales que pueden surgir con posterioridad a un abuso sexual, incluidos los derechos, la vivienda y la planificación de la seguridad de las víctimas de delitos.

Línea Legal de Violencia Familiar

**800-374-HOPE**

El Texas Advocacy Project ofrece la línea HOPE de lunes a viernes de 9:00 a. m. a 5:00 p. m.

Hay abogados que ofrecen ayuda con una serie de asuntos legales relacionados con violencia doméstica, abuso sexual y acoso.

**Adjunto:** Formulario de certificación HUD-5382.

**[Điền Tên của Người cung cấp Nhà ở<sup>1</sup>]**

**Thông báo về Quyền Chiếm dụng theo Đạo luật Chống Bạo hành Phụ nữ<sup>2</sup>**

**Gửi đến tất cả Người thuê nhà và Đương đơn**

Đạo luật Chống Bạo hành Phụ nữ (VAWA) bảo vệ những người phải chịu cảnh bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục hoặc đeo bám.<sup>3</sup> VAWA bảo vệ bình đẳng mọi cá nhân bất kể giới tính, nhận thức giới tính hay khuynh hướng tình dục.<sup>4</sup> Bộ Gia Cư và Sự Vụ Cộng Đồng Texas là cơ quan Tiểu bang giám sát (vui lòng khoanh tròn chương trình liên quan) **Tín dụng Thuế Nhà ở, NHÀ Ở cho nhiều gia đình, Hỗ trợ Thuê nhà Dựa trên Người thuê NHÀ, Quỹ Hoàn trả - Chương trình Hỗ trợ Tín dụng Thuế, Quỹ Tín thác Nhà ở Quốc gia, Trợ cấp Giải pháp Khẩn cấp, Chương trình Hỗ trợ Cho thuê Dự án Phần 811 và Chương trình Chứng thực Lựa chọn Nhà ở "chương trình liên quan"**. Thông báo này giải thích các quyền của quý vị theo VAWA. Thông báo này kèm theo mẫu chứng nhận được Bộ Gia Cư Hoa Kỳ ("HUD") phê duyệt. Quý vị có thể điền vào mẫu này để cho biết rằng quý vị đã hoặc đang bị bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục, hoặc đeo bám và quý vị muốn sử dụng các quyền của mình theo VAWA.

**Bảo vệ dành cho Đương đơn**

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<sup>1</sup> Trong thông báo này HP được coi là người cung cấp nhà ở nhưng người cung cấp nhà ở cần thay HP bằng tên mình. Quy định riêng của chương trình xác định cá nhân hoặc tổ chức chịu trách nhiệm cung cấp thông báo về quyền cư trú.

<sup>2</sup> Dù có tên như vậy nhưng luật này, VAWA bảo vệ mọi đối tượng bất kể giới tính, nhận thức giới tính hay khuynh hướng tình dục.

<sup>3</sup> Đạo luật VAWA sử dụng cụm từ nạn nhân để mô tả những người được VAWA bảo vệ, nhưng Bộ coi những người này là đối tượng được bảo vệ theo VAWA.

<sup>4</sup> Người cung cấp Nhà ở trong chương trình liên quan không được phân biệt đối xử dựa trên bất kỳ đặc điểm được bảo vệ nào, bao gồm chủng tộc, màu da, nguồn gốc quốc gia, tôn giáo, giới tính, tình trạng gia đình, tình trạng khuyết tật hoặc tuổi tác. Nhà ở được HUD bảo trợ và HUD bảo hiểm phải được cung cấp cho tất cả các cá nhân hợp lệ, bất kể khuynh hướng tình dục thực tế hoặc cảm nhận, nhận thức giới tính hay tình trạng hôn nhân.

Nếu đủ điều kiện được hỗ trợ theo **chương trình liên quan được liệt kê ở trên**, quý vị có quyền được hỗ trợ hoặc tham gia vì quý vị đã hoặc đang bị bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám.

### **Bảo vệ dành cho Người thuê nhà**

Nếu đang được hỗ trợ theo **chương trình liên quan**, quý vị có quyền được hỗ trợ, tiếp tục tham gia hoặc ở lại ngôi nhà thuê vì quý vị đang hoặc đã bị bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám.

Ngoài ra, nếu quý vị hoặc một người có quan hệ với quý vị đã hoặc đang là nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám do một người trong hộ gia đình hoặc bất kỳ người khách nào của quý vị gây ra, quý vị sẽ có quyền cư trú hoặc hỗ trợ về vấn đề thuê nhà theo **chương trình liên quan** nếu chỉ dựa trên hoạt động phạm tội có liên quan trực tiếp đến vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám đó.

Người có quan hệ với quý vị nghĩa là vợ/chồng, cha/mẹ, anh, chị, em, con cái hoặc một người mà quý vị chăm sóc hoặc giám hộ (ví dụ, cá nhân liên quan đang được chăm sóc, nuôi dưỡng, hoặc quản lý); hoặc bất kỳ cá nhân, người thuê nhà, hay người cư trú hợp pháp nào sống trong nhà quý vị.

### **Trục xuất Người lạm dụng hoặc Thủ phạm ra khỏi Nhà**

Người cung cấp Nhà ở ("HP") có thể chia (tách đôi) hợp đồng thuê nhà của quý vị để trục xuất cá nhân hoặc chấm dứt hỗ trợ đối với cá nhân có hành vi phạm tội (người lạm dụng hoặc thủ phạm) liên quan trực tiếp đến bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám.

Nếu HP chọn trục xuất người lạm dụng hoặc thủ phạm, HP không được tước quyền đối với nhà ở của người thuê nhà hội đủ điều kiện hoặc phạt những người thuê nhà còn lại. Nếu người lạm dụng hoặc thủ phạm bị trục xuất là người thuê duy nhất hội đủ điều kiện được hỗ trợ theo

chương trình, HP phải cho phép người thuê đã hoặc đang được VAWA bảo vệ và các thành viên khác của hộ gia đình ở lại ngôi nhà trong một khoảng thời gian để tuân theo chương trình này hay chương trình nhà ở HUD khác theo VAWA, hoặc, để tìm nhà khác.

Khi trục xuất người lạm dụng hoặc thủ phạm ra khỏi nhà, HP phải tuân thủ quy trình trục xuất của Liên bang, Tiểu bang và tại địa phương. Để chia hợp đồng thuê nhà, HP có thể, nhưng không bắt buộc phải yêu cầu quý vị cung cấp giấy tờ hoặc giấy chứng nhận về hành vi bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa (chẳng hạn như mẫu tự chứng nhận của HUD 5382).

### **Chuyển đến Nhà Khác**

Theo yêu cầu của quý vị, HP có thể cho phép quý vị chuyển đến nhà khác, tùy theo tình trạng sẵn có của nhà khác và vẫn hỗ trợ quý vị. Để chấp thuận yêu cầu, HP có thể yêu cầu quý vị cung cấp giấy tờ mà quý vị đang yêu cầu chuyển nhà do một vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa. Nếu quý vị yêu cầu chuyển nhà khẩn cấp, người cung cấp nhà ở có thể yêu cầu quý vị trình yêu cầu bằng văn bản hoặc điền vào mẫu để chứng thực rằng quý vị đáp ứng tiêu chí chuyển nhà khẩn cấp theo VAWA. Tiêu chí như sau:

- (1) Quý vị là nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa.** Nếu người cung cấp nhà ở chưa nhận được giấy tờ chứng minh quý vị là nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa thì họ có thể yêu cầu quý vị cung cấp, như mô tả trong phần giấy tờ bên dưới.
- (2) Quý vị yêu cầu chuyển nhà khẩn cấp một cách rõ ràng.** Người cung cấp nhà ở có thể chọn yêu cầu quý vị gửi mẫu đơn hoặc có thể chấp nhận yêu cầu khác bằng văn bản hoặc bằng lời nói.

**(3) Quý vị có lý do để tin rằng mình bị đe dọa là sẽ bị bạo lực nữa nếu vẫn ở trong ngôi nhà hiện tại của mình.** Điều này có nghĩa là quý vị có lý do để lo sợ rằng nếu không được chuyển đi quý vị sẽ bị bạo lực trong tương lai rất gần.

### **HOẶC**

**Quý vị đã bị xâm hại tình dục ở ngôi nhà này trong khoảng thời gian 90 ngày theo lịch trước khi quý vị yêu cầu chuyển nhà.** Nếu quý vị đã bị xâm hại tình dục thì ngoài việc đáp ứng tiêu chí để được chuyển nhà khẩn cấp vì quý vị có lý do để tin rằng mình có nguy cơ sẽ bị bạo hành nữa nếu vẫn ở trong ngôi nhà này, quý vị có thể hội đủ điều kiện để chuyển nhà khẩn cấp nếu vụ xâm hại tình dục xảy ra tại ngôi nhà mà quý vị đang muốn chuyển đi và tình trạng xâm hại đã xảy ra trong khoảng thời gian 90 ngày theo lịch trước khi quý vị yêu cầu chuyển nhà một cách rõ ràng.

HP sẽ giữ bảo mật yêu cầu chuyển nhà khẩn cấp của nạn nhân bạo lực gia đình, bạo lực hện hò, xâm hại tình dục, hoặc đeo bám, đồng thời nỗ lực để giữ bảo mật nơi mà nạn nhân và gia đình họ sẽ chuyển đến.

Kế hoạch chuyển nhà khẩn cấp của HP cung cấp thêm thông tin về việc chuyển nhà khẩn cấp và HP phải cung cấp cho quý vị bản sao kế hoạch chuyển nhà khẩn cấp nếu quý vị muốn xem.

### **Giấy tờ chứng minh Quý vị Đã hoặc Đang Là Nạn nhân của Bạo lực Gia đình, Bạo lực Hện hò, Xâm hại Tình dục hoặc Đeo bám**

HP có thể, nhưng không bắt buộc, phải yêu cầu quý vị cung cấp giấy tờ để "chứng thực" rằng quý vị đã hoặc đang là nạn nhân của bạo lực gia đình, bạo lực hện hò, xâm hại tình dục, hoặc đeo bám. HP có thể yêu cầu bằng văn bản và HP phải cho quý vị ít nhất 14 ngày làm việc (không tính Thứ Bảy, Chủ Nhật và ngày lễ của Liên bang) kể từ ngày quý vị nhận được yêu cầu cung

cấp giấy tờ. HP có thể, nhưng không cần phải, gia hạn thời hạn cung cấp giấy tờ sau khi quý vị yêu cầu.

Quý vị có thể cung cấp một trong các giấy tờ sau cho HP. Quý vị có thể chọn loại giấy tờ sẽ cung cấp nếu HP yêu cầu cung cấp giấy tờ chứng minh quý vị đã hoặc đang là nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa.

- Mẫu chứng nhận hoàn chỉnh do HUD phê duyệt (Mẫu HUD 5382) mà HP cung cấp cho quý vị, ghi lại vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa. Quý vị phải điền vào mẫu này tên quý vị, ngày, giờ, và địa điểm xảy ra vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa và mô tả sự việc. Nếu biết tên của kẻ lạm dụng hoặc thủ phạm và nếu việc cung cấp tên kẻ đó là an toàn thì quý vị được phép điền vào mẫu chứng nhận này.
- Hồ sơ của cơ quan hành pháp Liên bang, Tiểu bang, bộ lạc, lãnh thổ hoặc địa phương, hồ sơ của tòa án, hoặc cơ quan hành chính ghi chép về vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa và phần mô tả sự việc. Ví dụ như báo cáo của cảnh sát, lệnh bảo vệ, lệnh cấm, trong số những điều khác.
- Một tờ khai có chữ ký của quý vị cùng với chữ ký của nhân viên, đại lý, hoặc tình nguyện viên của nhà cung cấp dịch vụ cho nạn nhân, luật sư, chuyên gia y tế hoặc chuyên gia về sức khỏe tâm thần (gọi chung là "chuyên gia") mà quý vị nhờ trợ giúp giải quyết vấn đề bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa, hay hậu quả của bạo hành, và chuyên gia mà quý vị lựa chọn chứng thực, chịu mọi hình phạt nếu khai man, là họ tin rằng vụ hoặc các vụ bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa đó là cơ sở để bảo vệ.
- Bất kỳ lời khai hoặc bằng chứng nào khác mà HP đã đồng ý chấp nhận.

Nếu quý vị không cung cấp hoặc từ chối cung cấp một trong những giấy tờ này trong vòng 14 ngày làm việc, HP không phải bảo vệ quý vị theo thông báo này.

Nếu HP nhận được các bằng chứng mâu thuẫn về việc đã xảy ra một vụ bạo lực gia đình, bạo lực hèn hờ, xâm hại tình dục, hoặc đe dọa (chẳng hạn như các mẫu chứng nhận từ hai hoặc nhiều thành viên trong gia đình và mỗi người đều nhận mình là nạn nhân và tố cáo một hoặc nhiều thành viên gia đình đang kiến nghị khác là người lạm dụng hoặc thủ phạm), HP có quyền yêu cầu quý vị cung cấp giấy tờ của bên thứ ba trong vòng 30 ngày theo lịch để giải quyết mâu thuẫn. Nếu quý vị không cung cấp hoặc từ chối cung cấp giấy tờ của bên thứ ba khi xảy ra mâu thuẫn về bằng chứng, HP không phải bảo vệ quý vị theo thông báo này.

### **Bảo mật**

HP phải giữ bảo mật mọi thông tin quý vị cung cấp liên quan đến việc quý vị thực thi quyền của mình theo VAWA, kể cả việc quý vị đang thực thi quyền theo VAWA.

HP không được cho phép bất kỳ cá nhân nào quản lý việc hỗ trợ hoặc các dịch vụ khác thay cho HP (ví dụ, nhân viên hoặc nhà thầu) tiếp cận thông tin bảo mật trừ khi vì lý do đặc biệt cần yêu cầu các cá nhân đó tiếp cận thông tin này theo luật hiện hành của Liên bang, Tiểu bang, hoặc địa phương.

HP không được nhập thông tin của quý vị vào bất kỳ cơ sở dữ liệu được chia sẻ nào hoặc tiết lộ thông tin của quý vị cho bất kỳ tổ chức hay cá nhân nào khác. Tuy nhiên, HP có thể tiết lộ thông tin với điều kiện nếu:

- Quý vị có văn bản cho phép HP tiết lộ thông tin trong khoảng thời gian giới hạn.
- HP cần sử dụng thông tin trong quá trình trục xuất hoặc chấm dứt, chẳng hạn như trục xuất người lạm dụng hoặc thủ phạm hay chấm dứt hỗ trợ theo chương trình này đối với người lạm dụng hoặc thủ phạm.



- Luật yêu cầu HP hoặc chủ nhà của quý vị tiết lộ thông tin đó.

VAWA không giới hạn nghĩa vụ của HP trong việc tuân thủ các lệnh của tòa án về ra vào hoặc kiểm soát ngôi nhà. Điều này bao gồm các lệnh tòa được ban hành để bảo vệ nạn nhân và lệnh phân chia tài sản giữa các thành viên hộ gia đình trong trường hợp gia đình tan vỡ.

### **Lý do có thể Trục xuất hoặc Chấm dứt Hỗ trợ đối với Người thuê nhà Hội Đủ điều kiện hưởng Quyền Cư trú theo VAWA**

Quý vị có thể bị trục xuất và chấm dứt hỗ trợ nếu có hành vi vi phạm nghiêm trọng hoặc liên tục vi phạm hợp đồng thuê nhà mà không liên quan đến bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám mà quý vị là nạn nhân. Tuy nhiên, HP không được áp dụng nhóm quy tắc cho nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám khắt khe hơn so với người không phải nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám.

Biện pháp bảo vệ được mô tả trong thông báo này có thể không được áp dụng và quý vị có thể bị trục xuất cũng như chấm dứt hỗ trợ, nếu HP có thể chứng minh rằng việc không trục xuất hay chấm dứt hỗ trợ đối với quý vị sẽ dẫn đến một mối nguy hiểm hiện hữu:

- 1) Sẽ xảy ra ngay lập tức, và
- 2) Có thể dẫn đến tổn hại cơ thể nghiêm trọng hoặc tử vong cho những người thuê khác hoặc những người làm việc ở ngôi nhà.

Nếu HP có thể chứng minh điều trên, HP chỉ được trục xuất hay chấm dứt hỗ trợ đối với quý vị nếu không thể thực hiện các hành động khác để giảm bớt hay loại bỏ mối nguy hiểm.

### **Luật khác**

VAWA không thay thế luật Liên bang, Tiểu bang, hoặc địa phương. Các luật này bảo vệ nhiều hơn cho nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đeo bám. Quý vị

có thể được hưởng các quyền bảo vệ khác về nhà ở dành cho nạn nhân của bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa theo các luật Liên bang khác cũng như theo luật Tiểu bang và địa phương.

**Không tuân thủ Yêu cầu của Thông báo Này**

Quý vị có thể báo cáo việc người cung cấp nhà ở liên quan vi phạm các quyền này và xin hỗ trợ thêm, nếu cần, bằng cách liên hệ hoặc nộp đơn khiếu nại cho TDHCA tại

<https://www.tdhca.state.tx.us/complaint.htm> hoặc gọi đến số 800-525-0657 hay 817-978-5600 của Văn phòng khu vực HUD Fort Worth, (800) -669-9777, (TTY 817-978-5595).

**Để biết Thêm Thông tin**

Quý vị có thể xem bản sao quy tắc VAWA cuối cùng của HUD tại:

<https://www.federalregister.gov/documents/2016/11/16/2016-25888/violence-against-women-reauthorization-act-of-2013-implementation-in-hud-housing-programs>.

Ngoài ra, HP phải cung cấp cho quý vị bản sao quy định VAWA của HUD nếu quý vị muốn xem.

Nếu có thắc mắc liên quan đến VAWA, và/hoặc nếu quý vị cần chuyển nhà do bị bạo lực gia đình, bạo lực hèn hò, xâm hại tình dục, hoặc đe dọa, hãy liên hệ với Bộ Gia Cư và Sự Vụ Cộng Đồng Texas theo số 512-475-3800 hoặc 800-475-3800 (Relay Texas 800-735-2989) để được trợ giúp tìm nhà khác (lưu ý rằng đây không phải đường dây nóng về bạo lực gia đình). Tùy thuộc vào vị trí của quý vị, Bộ cũng có thể cung cấp danh sách nhà cung cấp dịch vụ địa phương và người biện hộ có thể giúp quý vị chuyển đến ngôi nhà an toàn. Để biết thêm thông tin về nhà ở và luật khác có thể bảo vệ hay cung cấp các tùy chọn khác cho các nạn nhân, hãy gọi cho Đội ngũ Chính sách của Hội đồng Bạo lực Gia đình Texas theo số: 1-800-525-1978.

## **Tài nguyên về Bạo lực Gia đình, Xâm hại Tình dục và Đeo bám**

Để trò chuyện với người biên hộ và nhận hỗ trợ, thông tin cũng như tư vấn bảo mật về bạo lực gia đình 24/7, hãy liên hệ với Đường dây nóng về Bạo lực Gia đình Quốc gia theo số 1-800-799-7233 hoặc số hỗ trợ những người khiếm thính 1-800-787-3224 (TTY). Quý vị cũng có thể truy cập trang web của Hội đồng Bạo lực Gia đình Texas để xem danh sách nhà cung cấp dịch vụ về bạo lực gia đình tại địa phương: [http://tcfv.org/service-directory/?wpbdp\\_view=all\\_listings](http://tcfv.org/service-directory/?wpbdp_view=all_listings).

Để nhận tư vấn và dịch vụ hỗ trợ bảo mật từ trung tâm khủng hoảng xâm hại tình dục tại địa phương 24/7, hãy liên hệ với RAINN: Mạng lưới Cường bức, Bạo hành và Loạn luân Quốc gia: Đường dây nóng: 1-800-656-HOPE. Quý vị cũng có thể truy cập trang web của Hiệp hội Chống Xâm hại Tình dục Texas để tìm trung tâm khủng hoảng tại địa phương: <http://taasa.org/crisis-center-locator/>.

Để biết thông tin về vấn đề đeo bám, hãy truy cập trang web của Trung tâm Tài nguyên về Đeo bám của Trung tâm Quốc gia dành cho Nạn nhân của Tội phạm tại

<https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Nạn nhân của các loại tội phạm khác nhau có thể xin tư vấn bằng cách liên hệ với Trung tâm Tài nguyên Kết nối với Nạn nhân, dự án của NCVC, bằng cách gọi đến Đường dây nóng Kết nối với Nạn nhân: 855-4-VICTIM (855-484-2846) hoặc tìm kiếm nhà cung cấp tại địa phương tại

<http://victimconnect.org/get-help/connect-directory/>.

Tài nguyên Pháp lý

**TexasLawHelp.org**

[www.texaslawhelp.org](http://www.texaslawhelp.org)

TexasLawHelp.org là trang web cung cấp thông tin pháp lý miễn phí, đáng tin cậy về các chủ đề khác nhau, chẳng hạn như luật gia đình, bảo vệ người tiêu dùng và giảm nợ, sức khỏe và lợi ích, luật lao động, nhà ở, di chúc và lên kế hoạch cuộc sống cũng như nhập cư. Trang web cung cấp

các mẫu pháp lý có tính tương tác và có thể tải xuống, video và công cụ tự trợ giúp về vấn đề pháp lý và có thể hỗ trợ tìm dịch vụ pháp lý miễn phí tại địa phương.

Texas Advocacy Project, VOICE

**1.888. 343.4414**

Biện hộ cho Nạn nhân của Tội phạm (VOICE), dự án của Trung tâm Dịch vụ Pháp lý Texas, đưa ra tuyên bố và tư vấn pháp lý trực tiếp miễn phí cho nạn nhân tội phạm bạo lực và hướng dẫn về các quyền cũng như hỗ trợ cho nạn nhân của tội phạm bằng ứng dụng Bù đắp cho Nạn nhân của Tội phạm. Lưu ý: người gọi thường để lại tin nhắn và luật sư sẽ gọi lại cho họ.

Hỗ trợ Pháp lý về Nạn nhân của Xâm hại Tình dục (LASSA)

**1-844-303-SAFE (7233)**

Đường Dây Nóng của LASSA do luật sư giải đáp vào tất cả các ngày trong tuần. Luật sư đường Dây Nóng cung cấp cho nạn nhân xâm hại tình dục tư vấn và thông tin pháp lý về vấn đề pháp lý có thể liên quan đến tình trạng xâm hại tình dục, bao gồm kế hoạch an toàn, nhà ở và quyền của nạn nhân tội phạm.

Đường dây Pháp lý về Bạo lực Gia đình

**800-374-HOPE**

Texas Advocacy Project. Dịch vụ HOPE Line với các luật sư làm việc Thứ Hai- Thứ Sáu, 9:00 sáng-5:00 chiều, để giải đáp cho quý vị các lo ngại pháp lý khác nhau liên quan đến bạo lực gia đình, xâm hại tình dục, và đeo bám.

**Tệp đính kèm:** Mẫu chứng nhận HUD-5382.

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

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.

**CERTIFICACIÓN DE VIOLENCIA  
DOMÉSTICA, VIOLENCIA EN UNA  
RELACIÓN, ABUSO SEXUAL O ACOSO,  
Y DOCUMENTACIÓN ALTERNATIVA**

**Departamento de Vivienda y  
Desarrollo Urbano de los EE. UU.**

Aprobación de la OMB n.º 2577-0286  
Vto. 30/6/2017

**Propósito del formulario:** La Ley de Violencia contra la Mujer (Violence Against Women Act, VAWA) brinda protección a solicitantes, arrendatarios y participantes de ciertos programas del Departamento de Viviendas (HUD, por sus siglas en inglés) contra desalojos, negación de asistencia en relación con las viviendas o terminación de la asistencia para la vivienda con motivo de actos de violencia doméstica, violencia en una relación, abuso sexual o acoso que pesen en su contra. A pesar del nombre que se le ha asignado a esta ley, la protección que ofrece la VAWA se encuentra disponible para víctimas de violencia doméstica, violencia en una relación, abuso sexual y acoso, independientemente del sexo, la identidad de género o la orientación sexual.

**Uso de este formulario opcional:** En caso de que procure obtener protección en virtud de la VAWA por parte de su proveedor de viviendas, dicho proveedor podrá entregarle una solicitud por escrito por medio de la cual se le pide que presente documentación sobre el hecho o los hechos de violencia doméstica, violencia en una relación, abuso sexual o acoso.

En respuesta a dicha solicitud, usted o alguien en su nombre deberá completar este formulario opcional y presentarlo ante su proveedor de viviendas, o bien puede presentar uno de los siguientes tipos de documentación de terceros:

- (1) Un documento, que debe llevar su firma, junto con la firma de un empleado, agente o voluntario de un proveedor de servicios a la víctima, un abogado, un profesional de la medicina o un profesional de la salud mental (denominados, en forma conjunta, “profesionales”) a quienes recurrió para obtener asistencia y abordar las situaciones de violencia doméstica, violencia en una relación, abuso sexual o acoso, o los efectos derivados del abuso. En el documento, debe especificarse bajo pena de perjurio que el profesional considera que el hecho o los hechos de violencia doméstica, violencia en una relación, abuso sexual o acoso tuvieron lugar y se ajustan a la definición de “violencia doméstica”, “violencia en una relación”, “abuso sexual” o “acoso” conforme se establece en las reglamentaciones del HUD incluidas en la sección 5.2003 del título 24 del Código de Reglamentaciones Federales (CFR, por sus siglas en inglés);
- (2) Un registro de un organismo del cumplimiento de la ley, un tribunal o un organismo administrativo federal, estatal, tribal, territorial o local; o
- (3) A criterio del proveedor de la vivienda, una declaración o algún otro tipo de prueba proporcionados por el solicitante o el arrendatario.

**Presentación de la documentación:** El período para presentar la documentación es de catorce (14) días hábiles a partir de la fecha en que recibe la solicitud por escrito por parte del proveedor de viviendas en la que se le pide que presente documentación en relación con el hecho de violencia doméstica, violencia en una relación, abuso sexual o acoso. Aunque no está obligado a hacerlo, el proveedor de viviendas podrá extender la fecha límite establecida para presentar la documentación, en caso de que usted solicite una extensión de dicha fecha. Si no se recibe la información solicitada dentro de los catorce (14) días hábiles posteriores a la recepción de la solicitud de documentación, o de la extensión de la fecha establecida por el proveedor de viviendas, el proveedor de viviendas no está obligado a otorgarle ninguna de las protecciones establecidas en la VAWA. La distribución o la emisión de este formulario no representa una solicitud de certificación por escrito.

**Confidencialidad:** La totalidad de la información que se le proporciona a su proveedor de viviendas en relación con el (los) hecho(s) de violencia doméstica, violencia en una relación, abuso sexual o acoso se conservará confidencial y no se ingresará en ninguna base de datos compartida. Los empleados de su proveedor de viviendas no tendrán acceso a dicha información, excepto para los fines de otorgarle o rechazarle protecciones en virtud de la VAWA. Así mismo, tales empleados no divulgarán esta información a ninguna entidad o individuo, excepto que la divulgación: (i) cuente con su aprobación por escrito para divulgar la información por un tiempo limitado; (ii) deba utilizarse en un procedimiento de desalojo o en una audiencia vinculada con la terminación de la asistencia; o (iii) fuese a utilizarse de algún otro modo conforme lo exija la ley vigente.

**PARA QUE COMPLETE LA VÍCTIMA DE UN HECHO DE VIOLENCIA DOMÉSTICA, VIOLENCIA EN UNA RELACIÓN, ABUSO SEXUAL O ACOSO, O ALGUIEN EN SU NOMBRE**

1. Fecha en que la víctima recibe la solicitud por escrito: \_\_\_\_\_

2. Nombre de la víctima: \_\_\_\_\_

3. Su nombre (en caso de ser diferente del de la víctima): \_\_\_\_\_

4. Nombre(s) de otro(s) miembro(s) de la familia que se menciona(n) en el contrato de alquiler

\_\_\_\_\_

\_\_\_\_\_

5. Residencia de la víctima: \_\_\_\_\_

6. Nombre del perpetrador acusado (si lo sabe y no es riesgoso divulgarlo): \_\_\_\_\_

7. Relación del perpetrador acusado con la víctima: \_\_\_\_\_

8. Fecha(s) y hora(s) del (de los) hecho(s) (si lo sabe): \_\_\_\_\_

10. Lugar del (de los) hecho(s): \_\_\_\_\_

Con sus propias palabras, describa brevemente el (los) hecho(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Por el presente, se certifica que la información proporcionada en este formulario es verdadera y correcta a mi leal saber y entender, y que el individuo que se menciona en el punto 2 es o ha sido víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso. Sé que el hecho de proporcionar información falsa podría poner en peligro el derecho de acceder al programa y servir como fundamento para que se rechace el ingreso, se dé por finalizada la asistencia o se proceda al desalojo.



Firma \_\_\_\_\_ Firmado el (fecha) \_\_\_\_\_

**Tiempo necesario para la recopilación:** El tiempo necesario para la recopilación de estos datos se estima en una (1) hora promedio por respuesta, incluido el tiempo que se necesita para recopilar, revisar y presentar los datos. El proveedor de viviendas utilizará la información para solicitar la certificación de que el solicitante o el arrendatario es víctima de violencia doméstica, violencia en una relación, abuso sexual o acoso. La información queda sujeta a los requisitos de confidencialidad establecidos en la VAWA. Este organismo no recopilará este tipo de información, y usted no está obligado a completar el presente formulario, excepto que contenga un número de control de la Oficina de Administración y Presupuesto (OMB, por sus siglas en inglés) actualmente válido.