

APPENDIX I. VIOLENCE AGAINST WOMEN ACT (VAWA) Requirements

(adapted from the Housing Opportunity Grant Program
for the CARES Housing Voucher Project 8.18.20)

- 1) **Overview:** The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not limited to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The final rule regarding the implementation of housing protections authorized in the VAWA Reauthorization Act of 2013 was published in November 2016. This rule is a critical step in protecting the housing of survivors of domestic and dating violence, sexual assault, and stalking.
- 2) **Contents:** No individual or family may be denied admission to or removed from the CARES Housing Voucher Project on the basis or as a direct result of the fact that the individual or family is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the individual or family otherwise qualifies for admission or occupancy.
- 3) **Applicability:** The CARES Housing Voucher Project is funded by the federal Emergency Solutions Grant (ESG) from the US Department of Housing and Urban Development (HUD). All ESG projects must comply with VAWA.
- 4) **Additional Protections for Participants Receiving Rental Assistance:** The Act extends the following protections to participants applying for or receiving rental assistance:
 - a. **Participants** may not be denied services and are protected from **evictions** because of factors resulting from being a victim of a VAWA crime/incident. Examples include:
 - Damage to the apartment beyond normal wear and tear;
 - Non-payment or poor credit (due to financial exploitation, loss of income due to crime victim status, etc.);
 - Disturbing the quiet enjoyment of other tenants.

An eviction may occur if the Champlain Office of Economic Opportunity (CARES Housing Voucher rental assistance administrator) can demonstrate an actual and imminent threat to the other tenants or those employed at or providing services to the property. This may only happen when there are no other actions that could be taken to reduce or eliminate the threat, including, but limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement, or seeking other legal remedies.

- b. **Participants** have the right to **terminate their lease** and transfer to another safe unit with continued CARES Housing Voucher rental assistance (“**emergency transfer**”) if they fear for their life and safety.
- c. **Bifurcation:** If their landlord is willing to “bifurcate” their lease (remove the perpetrator from the lease) the participant may remain in the unit.

Bifurcation is at discretion of the of landlord. If the Landlord agrees, pursuant to the CARES Housing Voucher Lease Addendum, the rental agreement is terminated. The Champlain Valley Office of Economic Opportunity (CVOEO) may request a new rental agreement with remaining household members subject to the same terms and conditions and termination date as the prior rental agreement. The CARES Housing Voucher rental assistance shall continue with original termination date. If the Landlord rejects bifurcation, under Landlord-tenant law, the perpetrator still has occupancy rights and liability under the lease. Tenant will be referred to service providers and Vermont Legal Aid. CVOEO will offer the victim an emergency transfer.

- 5) **Lease Addendum:** The CARES Housing Voucher requires a VAWA-compliant Lease Addendum (**Appendix K**).
- 6) **Emergency Transfers:** VAWA requires Grantees to develop an Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking who are receiving rental assistance. The CARES Housing Voucher Project will follow the HOP Emergency Transfer Plan: <https://dcf.vermont.gov/sites/DCF/files/OEO/Docs/HOP-Program-Guidance.pdf>. It outlines requirements pertaining to eligibility of emergency transfers, requests for documentation, confidentiality requirements, emergency transfer timing and availability, and supporting safety and security of tenants.
 - a. **Requesting a Transfer:** To request an emergency transfer, the tenant shall notify CVOEO, the agency administering rental assistance for the tenant. While an oral request is acceptable to initiate the process, transfers cannot be approved without a written request from the tenant. The tenant’s written request for an emergency transfer should include either:

- 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 with the CARES Housing Voucher; OR
 - 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; OR
 - A completed Form HUD-5383 (**Appendix N, Emergency Transfer Request**).
- b. **Transfer Options:** If the transfer request is approved CVOEO may (tenant's choice):
- Coordinate with the tenant's housing support worker to conduct intensive housing search while the tenant stays in existing unit; OR
 - Refer the tenant to a domestic violence shelter or other emergency housing option, and also coordinate with the tenant's housing support worker to provide intensive housing search.
- c. **Moving Costs:** Moving and storage costs associated with **Emergency Transfers** are eligible CARES Housing Voucher Project activities, and CVOEO or the local housing support agency are encouraged to use these funds, as needed to support victims fleeing domestic or sexual violence.
- d. **Notice to Landlord:** When a transfer occurs, pursuant to the CARES Housing Voucher Lease Addendum, the rental agreement is terminated. If unit is vacant, rental assistance terminates. If any family members remain in the unit, CVOEO will determine if assistance continues. Landlords will be notified within 5 days.
- 7) Documentation:** In most circumstances, a survivor will self-certify to document the domestic violence, dating violence, sexual assault, or stalking. This ensures that the lack of third-party documentation will not create a barrier in a survivor expressing their rights and receiving the protections needed to keep themselves safe.

If a tenant seeks VAWA protections CVOEO may make a written request for documentation. The tenant has 14 business days to provide documentation. The deadline may be extended. The tenant may choose to submit one of the following forms of documentation:

- HUD VAWA self-certification form. Form HUD-5382 (**Appendix M**).
- Professional certification from a victim service provider, an attorney, a medical professional, or a mental health professional from whom tenant sought

assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse (**Appendix M**).

- A record of a federal, state, tribal, territorial, or local law enforcement agency, court, or administrative agency. E.g.: Police report, Relief from Abuse Order.
- A statement or other evidence provided by the applicant/tenant.

If CVOEO does not request documentation in writing, it is accepting tenant's assertion of eligibility for VAWA protections, and must provide them.

If CVOEO receives conflicting certifications it can request third party documentation in writing. The tenant has 30 days to comply.

8) Notification Requirements:

- a. **VAWA Notice of Rights** must be provided to all applicants and recipients of the CARES Housing Voucher Project rental assistance (**Appendix J**).

When does the notice have to be provided?

- Application for the CARES Housing Voucher is approved or denied.
- Program participant is notified of termination of rental assistance.
- Tenant receives a notice of termination of tenancy.
- Landlord must send notice of termination to CVOEO. CVOEO sends tenant notice of rights.
- Also recommended if a tenant contacts the program for help after an incident domestic violence, dating violence, SA, or stalking.

- b. **VAWA Property Owner Rights** must be provided to all landlords entering into a rental agreement with a tenant receiving a CARES Housing Voucher (**Appendix L**).

Recordkeeping: All records pertaining to a CARES Housing Voucher participant's exercise of their VAWA rights are prohibited from entry into the HMIS and must be kept in a separate case file (electronic or hard copy) than their normal case file. All efforts should be made by the CVOEO and the local housing support workers to protect the safety and confidentiality of victims of domestic violence, dating violence, sexual assault, or stalking, to prevent placing victims at risk.

CARES HOUSING VOUCHER VAWA CHECKLIST

1. CARES Housing Voucher Application

- Provide VAWA Notice of Rights at Intake (Application)
- Provide HUD VAWA Self-Certification Form

2. If the CARES Housing Voucher request is denied:

- Written notice of denial
- Provide VAWA Notice of Rights
- Provide HUD VAWA Self-Certification Form

3. If the CARES Housing Voucher is approved:

- CARES Housing Voucher Lease Addendum, signed by tenants, landlord, CVOEO and participant's Housing Support Worker.
- Provide Notification of Property Owner Rights to landlord.
- Provide VAWA Notice of Rights to Tenant
- Provide HUD VAWA Self-Certification Form to Tenant

4. Tenant (or third party) contacts CVOEO to exercise VAWA protections.

Make sure contact with tenant does not indicate that it is in relation to VAWA protections. "To continue to receive your CARES Housing Voucher, please contact CVOEO."

For telephone contacts, verify that the tenant is in a safe place to talk prior to discussing the request for VAWA protections.

- a. Advise tenant of rights under VAWA. Refer to VAWA Notice of Rights.
- b. If documentation to support VAWA eligibility is wanted, the request must be made in writing. Ask the tenant for a safe address for mailing such a request.
- c. If needed, obtain VAWA Self Certification Form (HUD 5382), VAWA Provider Certification Form or other appropriate documentation to support VAWA request. If an emergency transfer is requested, ask for Form HUD-5383.

- d. If request for VAWA protections is denied, send written notice to tenant. Ask the tenant for a safe address for mailing the notice.
- e. For approved requests:
 - i. Tenant seeking VAWA protections remains in unit, perpetrator has vacated: Send written notification to property owner. New lease and new CARES Housing Voucher Lease Addendum.
 - ii. Tenant seeking VAWA protections remains in unit, perpetrator has not vacated: Refer to local domestic violence agency and Vermont Legal Aid for assistance.
 - iii. Tenant seeks emergency transfer, wants to remain in unit until alternative permanent housing is secured: Refer to local DV/SA support agencies for safety planning and provide intensive housing search case management.
 - iv. Tenant seeks emergency transfer, wants to vacate before alternative permanent housing is secured: Refer to local DV/SA services to explore shelter options. If shelter unavailable or unsafe, refer to other emergency housing options. Provide certification that tenant has been constructively evicted due to domestic violence, dating violence, stalking, or sexual assault. Notice to owner that tenancy is terminated immediately in accordance with the CARES Housing Voucher Lease Addendum and rental assistance will no longer be provided.

5. Termination (Involuntary) of CARES Housing Voucher

- Provide VAWA Notice of Rights
- Provide HUD VAWA Self-Certification Form