

APPENDIX J: NOTICE OF CLIENT RIGHTS

To: CARES Housing Voucher Applicants and Tenants

From: Champlain Valley Office of Economic Opportunity (CVOEO)

YOUR RIGHTS UNDER THE FAIR HOUSING ACT

SUMMARY

Fair housing is the right to equal opportunity in housing choice and the right to rent, buy, finance, and live in housing free from discrimination.

The federal Fair Housing Act as was established under Title VIII of the federal Civil Rights Act of 1968, and as amended, prohibits discrimination based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability. Under 9 V.S.A. § 4503, Vermont provides additional protections based on sexual orientation, gender identity, age, marital status, receipt of public assistance, and being a victim of abuse, sexual assault, and stalking.

Taken together, these state and federal legal protections prohibit unequal or unfair treatment in housing advertisement, rental of housing, housing sales, financing and insuring of housing or in terms or conditions contained in lease agreements or rules, and in all housing transactions. These protections also cover harassment, including sexual harassment.

WHERE TO LEARN MORE OR FILE A COMPLAINT

- Fair Housing Project of CVOEO, (802) 660-3456, www.cvoeo.org/FHP
- Vermont Human Rights Commission, 1-800-416-2010, hrc.vermont.gov
- Vermont Legal Aid / Legal Services Vermont, 1-800-889-2047, vtlawhelp.org
- U.S. Department of Housing and Urban Development, 1-800-669-9777, www.hud.gov/program_offices/fair_housing_equal_opportunity/online-complaint

YOUR RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT

SUMMARY

The Violence Against Women Act (VAWA) is a federal law that provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protects applicants and tenants receiving rental assistance from a Vermont CARES Housing Voucher.

We are required to notify you of your rights under VAWA even if you never have been and never become of a victim of domestic violence, dating violence, sexual assault, or stalking.

VAWA provides three basic benefits to such victims:

- (1) protection from discrimination;
- (2) protection from eviction; and
- (3) the right to terminate your lease and transfer to another unit with continue your Vermont CARES Housing Voucher rental assistance, or to remain in a rental unit if your landlord is willing to “bifurcate” your lease (remove the perpetrator from the lease).

These protections are described in detail in this notice.

WHAT IS THE VIOLENCE AGAINST WOMEN ACT?

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.¹

The Vermont CARES Housing Voucher Project is funded by the federal Emergency Solutions Grant (ESG). The Champlain Office of Economic Opportunity administers rental assistance for the Vermont CARES Housing Voucher Project. Because the project receives federal ESG funds it must comply with HUD laws and rules, including VAWA. This notice explains your rights under VAWA and some additional protections provided through the Vermont CARES Housing Voucher Project.

A HUD-approved certification form is attached to this notice. You can fill out the certification form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

¹ 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.

PROTECTIONS FOR APPLICANTS

If you otherwise qualify for assistance under **CVOEO**, you cannot be denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

PROTECTIONS FOR TENANTS

If you receive a Vermont CARES Housing Voucher, a lease addendum will be added to your rental agreement with your landlord. The Addendum provides as follows:

- (1) As required by VAWA, you may not be denied rental housing, be discriminated against in the terms, conditions, or privileges of the rental of a dwelling, or be evicted from your rental housing solely because you or an affiliated individual is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or on the basis of criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking.²
- (2) If you qualify for protections under VAWA as a victim of domestic violence, dating violence, sexual assault, or stalking, as determined by CVOEO, VAWA provides that your landlord may permit you to “bifurcate” your lease, *i.e.*, to terminate your original lease (that included the perpetrator) and to create a new rental agreement (without the perpetrator). If the perpetrator is unwilling to vacate the rental unit voluntarily, the landlord or person qualifying for VAWA protections must seek possession through legal process. The remaining household members retain eligibility for a Vermont Housing CARES Voucher.
- (3) If you qualify for protections under VAWA as a victim of domestic violence, dating violence, sexual assault, or stalking, as determined by CVOEO, you have the right to move to another rental unit and retain your rental assistance. This is an “emergency transfer.”

MOVING TO ANOTHER UNIT

Upon your request, CVOEO may permit you to terminate your tenancy and retain your rental assistance at an alternative rental unit through an “emergency transfer request.” In order to approve a request to move, CVOEO may ask you to provide documentation that you are requesting to move because of an incident of domestic violence, dating violence, sexual assault, or stalking. The three criteria for such a request are:

² 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.

- (1) **You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If CVOEO does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, CVOEO 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 are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of 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.

CVOEO will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

CVOEO's emergency transfer plan provides further information on emergency transfers, and CVOEO will 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

CVOEO can ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such a request from CVOEO must be in writing, and CVOEO 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. CVOEO may, but does not have to, extend the deadline for the submission of documentation upon your request.

If CVOEO asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, you can provide any one (the choice is yours) of the following to CVOEO:

- A complete HUD-approved certification form given to you by CVOEO 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, Relief from Abuse 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. This professional, selected by you, must attest 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 CVOEO has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, CVOEO does not have to provide you with the protections contained in this notice.

If CVOEO 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), CVOEO 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, CVOEO does not have to provide you with the protections contained in this notice.

CONFIDENTIALITY

CVOEO and your landlord must keep strictly 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.

CVOEO must not allow any individual administering assistance or other services on behalf of CVOEO (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.

CVOEO must not enter your information into any shared database or disclose your information to any other entity or individual. CVOEO, however, may disclose the information provided if:

- You give written permission to CVOEO to release the information on a time-limited basis.
- CVOEO needs to provide limited information to your landlord if you have asked for the landlord to bifurcate your lease and the perpetrator will not vacate voluntarily, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law or court order requires CVOEO to release the information.

REASONS A TENANT ELIGIBLE FOR 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, landlords cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than they apply to tenants who have not been victims of 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 your landlord 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 your landlord can demonstrate the above, the landlord should only terminate your tenancy if there are no other actions that could be taken to reduce or eliminate the threat. Other actions include, but are not limited to:

- Changing the victim's locks;
- Installing basic security features (e.g., better lighting or an alarm);
- Encouraging the victim to seek an emergency transfer;
- Allowing an early lease termination;

- Allowing the victim temporary absence from the unit;
- Referring the victim to local service providers;
- Working with police and victim service providers to develop a safety plan for the property and victim.

OTHER LAWS

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

VAWA does not limit a landlord's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim, like a Relief from Abuse Order, and orders dividing property among household members in cases where a family breaks up.

NON-COMPLIANCE WITH THE REQUIREMENTS OF THIS NOTICE

You may report CVOEO or a landlord's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with any one of the following:

- Champlain Valley Office of Economic Opportunity
802-862-2771
255 South Champlain Street #9
P.O. Box 1603, Burlington, VT 05402
- Boston Regional Office of FHEO
Department of Housing and Urban Development
Thomas P. O'Neill Federal Building
10 Causeway Street, Room 321
Boston, MA 02222-1092
- Vermont Legal Aid, Inc.
1-800-889-2047
264 N. Winooski Ave.
Burlington, VT 05401
- Vermont Human Rights Commission (violation of anti-discrimination protections only)
1-800-416-2010
14-16 Baldwin Street
Montpelier, VT 05633-6301

FOR ADDITIONAL INFORMATION

VAWA Rules and Regulations: You may view a copy of HUD's final VAWA rule at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>. Additionally, CVOEO must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact CVOEO or Vermont Legal Aid, Inc, at 1-800-889-2047.

WHERE TO GET HELP

Local agencies are available to help throughout Vermont. Go to: <https://vtnetwork.org/get-help/> or call the statewide Domestic Violence Hotline: 800-228-7395 or statewide Sexual Violence Hotline: 800-489-7273.

National organizations are also available to help:

- National Domestic Violence Hotline: 1-800-799-7233 (1-800-787-3224 (TTY)).
- National Center for Victims of Crime's Stalking Resource Center: <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.
- National Sexual Assault Hotline (RAINN): 1-800-656-4673, or visit the online hotline at <https://ohl.rainn.org/online/>.

ATTACHMENTS: Certification form HUD-5382