

## Long Island Continuum of Care VAWA Notice of Occupancy Rights

*(Note: this form is used for all CoC and ESG funded TH, RRH, TH-RRH, and PSH projects)*

**Purpose of this Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain covered housing 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 all people identifying as victims of domestic violence, dating violence, sexual assault, and stalking - not just women.

**Use of this Required Form:** Under 34 U.S.C. 12491, Continuum of Care and ESG programs are required to distribute the VAWA Notice of Occupancy Rights at each of the following times:

1. When an applicant to a covered housing program is denied admission or rental assistance.
2. When an applicant is admitted to a covered housing program or provided rental assistance through the CoC or ESG program.
3. When a tenant in a covered housing program is given a notice of eviction or notified of termination of assistance.

It is recommended that a copy of the VAWA Self Certification Form be given in conjunction with the VAWA Notice of Occupancy Rights.

**Confidentiality:** All information provided to a covered housing program 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 covered housing programs are not to have access to these details unless to grant or deny VAWA protections to the survivor, 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 the survivor 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.

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**To all Tenants and Applicants:** This notice explains your Violence Against Women Act (VAWA) rights under 34 U.S.C. 12491. This law protects more than just women. Under VAWA, all persons who have experienced domestic violence, dating violence, sexual assault, or stalking have certain protections listed below. If you feel your rights have been violated, the Department of Housing and Urban Development has provided for the filing and processing of individual VAWA complaints with its Office of Fair Housing and Equal Opportunity (FHEO). (see Non-Retaliation section for more information)

**Self-Certification:** [HUD Form 5832](#) is available 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. You may also request a copy of this form from your covered housing provider.

**Protections for Applicants:** Being a victim of domestic violence, dating violence, sexual assault or stalking – now or in the past - is not a reason to deny you admission or assistance to this program. You may be denied admission or assistance if you do not meet other qualifications for the program.

**Protections for Tenants:** You may not be denied assistance, terminated from participation, or evicted from your rental housing because you are a victim of domestic violence, dating violence, sexual assault or stalking – now or in the past. Criminal activity directly related to being a victim of domestic violence, dating violence, sexual assault, or stalking is not a reason to deny rental assistance or occupancy rights to you or an affiliated individual of yours.

**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.

**Right to Report Crimes and Emergencies:** Landlords, homeowners, tenants, residents, occupants, guests of, and applicants for housing have the right to seek law enforcement (police) or emergency assistance (call 911) on their own behalf or on behalf of another person in need of assistance. Landlords, property managers and owners may not penalize you or threaten to penalize you because you requested assistance or reported criminal activity. This applies if you are the victim or are otherwise not at fault under the law (not the abuser or perpetrator).

**Removing the Abuser or Perpetrator from the Household:** When a person on the lease engages in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, [\[insert name of program or rental assistance\]](#) may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the abuser or perpetrator of these crimes. [\[insert name of program or rental assistance\]](#) may ask you for documentation or certification of the domestic violence, dating violence, sexual assault, or stalking. You may choose which form of documentation to provide (see documentation section).

All eligible tenants keep their rights to the unit and may not be punished for the actions of the abuser or perpetrator if [\[insert name of program or rental assistance\]](#) chooses to remove the abuser or perpetrator from the lease. If the evicted abuser or perpetrator was the sole tenant who was eligible for

assistance under the program, [insert name of program or rental assistance] must allow the remaining tenants, including the victim, to remain in the unit for a period of time. During this time, the remaining tenants may (1) establish eligibility for the program, (2) establish eligibility under another housing program covered by VAWA, or (3) find alternative housing.

[insert name of program or rental assistance] must follow Federal, State, and local eviction procedures when removing the abuser or perpetrator.

**Moving to Another Unit:** You may request an emergency transfer to move to another unit and still keep your assistance. This unit may be provided by [insert name of program or rental assistance] if another unit is available (internal transfer) or by the Coordinated Entry system if the internal transfer is not available/ is not safe (external transfer). To approve an emergency transfer request, [insert name of program or rental assistance] may ask you to submit a written request or to 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 may ask you for documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking if they do not already have this (see 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 you will suffer violence in the very near future if you do not receive a transfer.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 180-calendar-day period before you request a transfer.** If you were sexually assaulted, you may qualify if (a) you have a reason to fear additional violence in your unit in the very near future, OR (b) the sexual assault occurred in the last 180-calendar-day period somewhere on the premises of the property where you are living.

[insert name of program or rental assistance] will keep confidential, and not share information about requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking. The program will not share the location of any move made by victims and their families.

NY-603's (Long Island Continuum of Care) VAWA emergency transfer plan provides further information on emergency transfers, including what options are available for victims if a safe unit is not immediately available. [insert name of program or rental assistance] must make a copy of the VAWA emergency transfer plan and request form available to you if you ask to see it. A VAWA Liaison for your program is listed on the VAWA Lease Addendum provided with your lease.

**Documenting your Status as a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking:**

[insert name of program or rental assistance] can, but is not required to, ask you to provide documentation to "certify" that you are a victim of domestic violence, dating violence, sexual assault, or stalking – now or in the past. This request must be in writing, and [insert name of program or rental assistance] 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 [insert name of program or

**rental assistance** may, but does not have to, extend the deadline for the submission of documentation upon your request.

It is your choice which of the following documents to submit if **insert name of program or rental assistance** asks you to provide documentation of your status as a victim of domestic violence, dating violence, sexual assault, or stalking – now or in the past. You are only required to submit one (1) document.

- ☐ A complete [HUD Form 5832](#) Self-Certification form given to you by **insert name of program or rental assistance** with this notice. The form will ask for basic information and will ask you to certify you are a victim of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. No details of the abuse are needed. You are not required to share the name of the abuser or perpetrator, unless you wish to.
- ☐ A police report, protective order, restraining order or any similar 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.
- ☐ A statement from a professional you went to for help to address domestic violence, dating violence, sexual assault or stalking, or the effects of abuse. The professional may be an employee, agent, or volunteer of a victim service provider, an attorney, a medical or mental health professional. This statement must be signed by you and the professional. The professional must attest under penalty of perjury that they believe the incident of domestic violence, dating violence, sexual assault or stalking are grounds for protection.
- ☐ Any other statement or evidence that **insert name of program or rental assistance** has agreed to accept.

If you do not provide one of these documents within the 14 business days, **insert name of program or rental assistance** does not have to provide you with the protections contained in this notice.

Sometimes housing providers receive conflicting VAWA requests. For example, when two or more members of a household each submit a self-certification form both claiming to be a victim and naming one or more of the other members as the abuser or perpetrator. In these instances, **insert name of program or rental assistance** has the right to request that you provide additional documentation from a third-party within thirty (30) calendar days to resolve the conflict. If you do not provide this third-party documentation **insert name of program or rental assistance** does not have to provide you with the protections contained in this notice.

**Confidentiality:** **insert name of program or rental assistance** 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. **insert name of program or rental assistance** must not enter your information into any shared database or disclose your information to any other entity or individual.

Your confidential information will only be shared with employees, contractors or others when it is required under applicable Federal, State or local law or in the following situations:

- ☐ You give written permission to **insert name of program or rental assistance** to release the information within a fixed period of time.
- ☐ **insert name of program or rental assistance** needs to use the information to evict or terminate assistance to your abuser or perpetrator. For example, in a court proceeding.
- ☐ A law requires **insert name of program or rental assistance** or your landlord to release the information.

VAWA does not change the duty [insert name of program or rental assistance] has 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 being a victim of domestic violence, dating violence, sexual assault, or stalking. The rules [insert name of program or rental assistance] has in place for victims of domestic violence, dating violence, sexual assault, or stalking cannot be more demanding than rules for 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 [insert name of program or rental assistance] can evict you or terminate your assistance if they can demonstrate there is 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.

[insert name of program or rental assistance] 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 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.

**Non-Retaliation and Non-Compliance with The Requirements of This Notice:** An owner or manager may not coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises their VAWA rights, or any person who assists or encourages a person to exercise any rights or protections under VAWA's housing provisions.

If you believe your VAWA rights have been violated, you can:

- Visit <https://www.HUD.gov/fairhousing/fileacomplaint> . HUD's Office of Fair Housing and Equal Opportunity (FHEO) will receive and investigate all VAWA complaints.
- Speak with an FHEO intake specialist by calling 1-800-669-9777 or TTY: 1-800-877-8339.

### **Additional Information and Resources**

You may view a copy of 34 U.S.C. 12941 here: [VAWA Housing Protections](#)

Additionally, [insert name of program or rental assistance] must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact the VAWA Liaison listed in your VAWA Lease Addendum. For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact [Insert contact information for relevant local organizations].

For help regarding sexual assault, you may contact the National Sexual Assault Hotline at 1-800-656-4673. You may also contact **[Insert contact information for relevant local organizations]**.

Help for tenants who are or have been victims of stalking, can be found at the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>. You may also contact **[Insert contact information for relevant local organizations]**.

**Attachment:** [HUD Form 5832](#) Self-Certification form