

# Hudson Housing Authority Policies

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## FEDERAL VIOLENCE AGAINST WOMEN ACT AND THE MASSACHUSETTS ACT RELATIVE TO HOUSING RIGHTS FOR VICTIMS OF DOMESTIC VIOLENCE, RAPE, SEXUAL ASSAULT AND STALKING

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September 2023

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## I Purpose and Applicability

The purpose of this policy (herein called “Policy”) is to implement the applicable provisions of the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022)<sup>1</sup>. VAWA 2022 reauthorizes amends, and strengthens the Violence Against Women Act of 1994, as amended (VAWA) (Pub. L. 103-322, tit. IV, sec. 40001-40703; 42 U.S.C. 13925 et seq.) and Chapter 402 of the Acts of 2012, An Act Relative to Housing Rights for Victims of Domestic Violence, Rape, Sexual Assault and Stalking, codified as M.G.L. c. 186, sections 23 through 29. M.G.L. c. 186, §§23-29 more generally to set forth the Hudson Housing Authority’s (HHA’s) policies and procedures regarding domestic violence, dating violence, sexual assault, stalking and rape as hereinafter defined.

Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, sexual assault stalking and rape as well as female victims of such violence.

This Policy shall be applicable to the administration by the HHA of all its federally subsidized public housing and Section 8 rental assistance programs under the United States Housing Act of 1937 (42 U.S.C. §1437 *et seq.*) hereinafter (“federal programs”). It is also applicable to the following state Housing Programs: State-Assisted Public Housing and the Alternative Housing Voucher Program hereinafter (“state programs”) as administered by the HHA currently or in the future. To the extent that requirements vary according to state or federal programs it shall generally be so noted herein. Where both state and federal law apply that which provides greater protection shall prevail.

The Massachusetts Rental Voucher Program is governed by an Administrative Plan issued by the Department of Housing and Urban Development. This Plan addresses protections for MRVP families in Chapter 18 Section 5. The reader should refer to that document for MRVP policies. Massachusetts laws covered herein applicable to all tenants in the Commonwealth, specifically M.G.L. c. 186, §§23-29, also still apply to MRVP families. Further to have all VAWA and Domestic Violence Notices available in one policy, the Notices provided under the Administrative Plan are also addressed in XV.C. of this Policy.

Generally, the federal and state law are both designed with the goal of protecting victims of domestic violence, dating violence, sexual assault stalking. However, most VAWA provisions are applicable to the federal programs only where the state laws are applicable to all programs state and federal. Further certain laws apply to landlords and in voucher programs the HHA will generally not be acting as the landlord. When that is the case the law is applicable to the actual landlord for the assisted tenancy.

This policy does not address the requirements of priority placement for state programs (i.e., abusive situation housing priority and/or any local preference which may have been adopted by

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<sup>1</sup> HUD issued initial implementation guidance in the federal register on Wed. January 4, 2023 which is included as basis for some of the updates to the VAWA Policy. As that document indicates there are items for which HUD is seeking comment and this document may be amended accordingly. Further new proposed VAWA Notices have been published and will be substituted for current version when issued in final form by HUD.

the HHA for its federal housing program(s). Where applicable these requirements and documents related thereto are addressed in DHCD guidance and any applicable HHA Admissions and Continuing Occupancy Policy and/or Section 8 Administrative Plan.

## II Goals and Objectives

This Policy has the following principal goals and objectives:

- A. Maintaining compliance, including training of appropriate staff managing the HHA properties, with all applicable legal requirements imposed by VAWA and the Act Relative to Housing Rights for Victims of Domestic Violence, Rape, Sexual Assault and Stalking;
- B. Participating with others in protecting the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault and stalking who are assisted by the HHA;
- C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault and stalking.
- D. Cooperating, with others, in formation and maintenance of collaborative arrangements between the HA, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence, sexual assault and stalking who are assisted by the HHA; and
- E. Responding in accordance with HHA policies and procedures to incidents of domestic violence, dating violence, sexual assault and stalking affecting individuals assisted by the HHA.

## III Other HA Policies and Procedures

This Policy shall be referenced in and attached to the HA's Five-Year Public Housing Agency Plan and, where appropriate, provisions consistent with this Policy shall be incorporated in and made a part of the HHA's Section 8 Administrative Plan, Admissions and Continued Occupancy Policy and other HA policies as applicable.

To the extent any provision of this policy shall contradict any previously adopted policy or procedure of the HHA, the provisions of this Policy shall prevail.

## IV Definitions

As used in this Policy:

- A. *Actual and imminent threat (federal VAWA)* - 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 (federal VAWA)* – means, with respect to an individual, a spouse, parent, brother, sister, or child of that individual, or an individual 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 any individual, tenant, or lawful occupant living in the household of that individual.
- C. *Bifurcate (federal VAWA)* 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. *Co-tenant (state MGL c. 186 §§23-29)* – means a person who shares the legal obligation to pay rent or use and occupancy for the premises with a tenant and who occupies the premises.
- E. *Covered Housing Provider (federal VAWA)* means the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.
- F. *Covered Person (federal VAWA)* means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.
- G. *Domestic Violence (federal VAWA)*<sup>2</sup> – *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or

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<sup>2</sup> While HUD did not amend existing regulations the federal register publication advised that PHAs should apply VAWA requirements in a manner that encompasses the "domestic violence" definition provided by VAWA as of October 1, 2022 stating that, “ HUD considers its existing regulatory definition of ‘domestic violence’ to be broad enough to, in most circumstances, include the additional acts referred to in the VAWA 2022 reauthorization- including technological abuse, economic abuse, and a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim that may or may not constitute criminal behavior.”

family violence laws of the jurisdiction receiving grant monies, or by 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. The term "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. *Domestic Violence (state MGL 186 §§23-29)* – *Domestic violence* is the occurrence of 1 or more of the following acts between family or member of a household: (i) attempting to cause or causing physical harm; (ii) placing another in fear of imminent serious physical harm; (iii) causing another to engage involuntarily in sexual relations by force, threat or duress.
- I. *Dating Violence (federal VAWA)* – means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.
- J. *Household (federal VAWA)* means the family and PHA-approved live-in aide.
- K. *Housing Subsidy Provider (state M.G.L. c. 186 §§23-29)* means a local housing authority, agency or other entity providing or administering a federal or state rental subsidy within the commonwealth under applicable law.
- L. *Member of the Household (state MGL c. 186 §§23-29 definition)*, a person residing with a tenant or co-tenant as an authorized occupant of the premises. In the case of an application for housing, such term shall include a person identified by the applicant as a proposed household member who would be living with the applicant in the premises. For purposes of Change of Locks by tenant co-tenant or household member the term household member shall mean a person residing with the tenant or co-tenant as an authorized occupant of the premises, and who is 18 years of age or older or an emancipated minor.
- M. *Other person under the tenant's control (federal VAWA)* for the purposes of the definition of *covered person* means that the person, although not staying as a guest (as defined in applicable regulations) in the unit, is, or was at the time of the activity in question, on the premises (as *premises* is defined in applicable regulations) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control*.
- N. *Owner (state M.G.L. c. 186 §§23-29)* means as defined in 105 C.M.R. 410.020.

- O. *Public Housing Agency (federal VAWA)* means any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.
- P. *Qualified Third Party (state M.G.L. c. 186 §§23-29)* means a police officer, as defined by section 1 of chapter 90C, law enforcement professional including, but not limited to, a district attorney, assistant district attorney, a victim-witness advocate, probation or parole officer; an employee of the Victims Services Unit of the department of criminal justice information services; an application assistant in the address confidentiality program of the state secretary under section 2 of chapter 9A; a licensed medical care provider; an employee of the department of children and families or the department of transitional assistance charged with providing direct service to clients, or a manager or designated domestic violence or abuse advocate within either department; an active licensed social worker; a licensed mental health professional; a sexual assault counselor as defined in section 20J of chapter 233; or a domestic violence victims' counselor as defined in section 20K of said chapter 233.
- Q. *Quitting Date (state M.G.L. c. 186 §§23-29)* means the date that a tenant or co-tenant surrenders such person's interest in the premises; provided further, that such date shall be determined as: (i) if the tenant or co-tenant has vacated the premises, the date notice is given to the owner of the intent to abandon the premises and not to return; or (ii) if the tenant or co-tenant has not vacated the premises, either (A) the date the tenant or co-tenant intends to vacate the premises or (B) the actual date that the tenant or co-tenant has vacated after providing such notice.
- R. *Rape (state M.G.L. c. 186 §§23-29)* means that as set forth in M.G.L. sections 22, 22A, 22B, 22C, 23, 23A, 23B, 24 or 24B of chapter 265 or sections 2, 3 or 17 of chapter 272.
- S. *Sexual Assault (federal VAWA)* – means any nonconsensual sexual act proscribed by federal, tribal, or State law, including when the victim lacks capacity to consent.
- T. *Sexual Assault (state M.G.L. c. 186 §§23-29)* means that as set forth in sections 13B, 13B1/2, 13B3/4, 13F, 13H or 13K of chapter 265 or section 35A of chapter 272.
- U. *Stalking (federal VAWA)* – means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's individual safety or the safety of others or suffer substantial emotional distress.
- V. *Stalking (state M.G.L. c. 186 §§23-29)* means that as set forth in section 43 of chapter 265 or criminal harassment as set forth in sections 43 or 43A of chapter 265.
- W. *Tenant (state M.G.L. c. 186 §§23-29)* means, (i) a person who has entered into an oral or written lease or rental agreement with the owner or (ii) a person who remains on the premises after such person's tenancy has terminated or after the expiration of such person's

lease.

## V Admissions and Screening under VAWA and State Regulations for Assisted Housing

These apply to admission and screening for the HHAs federal and state housing programs:

- A. *Denial of Assistance.* The HHA will not deny admission to public housing or to the Section 8 rental assistance program to any person on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, stalking, or sexual assault provided that such person is otherwise qualified for such admission.
- B. *Mitigation of Disqualifying Information.* When requested by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, dating violence, stalking and/or sexual assault, the HHA may take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, the HHA shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence, dating violence, stalking and/or sexual assault and its probable relevance to the potentially disqualifying information.

## VI Denial or Termination of Tenancy or Assistance for Federally Assisted Housing Programs under VAWA

- A. *VAWA Protections.* Under VAWA, federal public housing residents, and persons assisted under the Section 8 rental assistance program, have the following specific protections, which will be observed by the HHA in administration of its programs:
  - i. An applicant for assistance or tenant assisted under the Public Housing or Section 8 Program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the 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.
  - ii. A tenant in under the Public Housing or Section 8 Program may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if: (i) The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, and (ii) The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

- iii. Construction of lease terms and terms of assistance. An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as: (1) A serious or repeated violation of a lease executed under the Public Housing or Section 8 Program by the victim or threatened victim of such incident; or (2) Good cause for terminating the assistance, tenancy, or occupancy rights under the Public Housing or Section 8 Program of the victim or threatened victim of such incident.
- B. *Limitations.* The protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
- i. Nothing contained in this section shall limit any otherwise available authority of the HHA or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, stalking or sexual assault in question against the tenant or an affiliated individual of the tenant. However, in taking any such action, neither the HHA nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence, dating violence, stalking or sexual assault than that applied to other tenants.
  - ii. Nothing contained in this section shall be construed to limit the authority of the HHA or a Section 8 owner or manager to evict or terminate from assistance any tenant or if the owner, manager or the HHA can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property if the tenant is not evicted or terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the standards provided in the definition of “actual and imminent threat” as defined herein. Further, such eviction or termination will occur when there is no other HHA action which may be taken to reduce or eliminate the threat.
- C. *Lease Bifurcation.* Further, notwithstanding anything in federal, state or local law to the contrary, the HHA or a Section 8 owner or manager, may bifurcate a lease or remove a household member from a lease in order 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.
- i. Such actions shall be taken in accordance with any requirements or procedures as may be prescribed by federal, State, or local law for termination of assistance or leases and in accordance with any requirements under the relevant covered housing program.
  - ii. This may be done without regard to whether a household member is a signatory to a lease.

- iii. This may also be done without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.
- iv. If such bifurcation occurs, and the removed tenant or lawful occupant was the tenant eligible to receive assistance under the housing program, the HHA, owner, or manager shall provide any remaining tenant a reasonable time to establish eligibility under a the same or another covered program or to find alternative housing.
- v. The reasonable time period is a period of 90 calendar days from the date of bifurcation of the lease unless statutory requirements for the covered housing program prohibit it (See vi. below). The 90-day calendar period also will not apply beyond the expiration of a lease, unless this is permitted by program regulations. The HHA may extend this 90-calendar-day period in up to an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the covered program or unless the time period would extend beyond expiration of the lease.
- vi. If the document to establish eligibility is that required to establish eligible immigration status the reasonable time period is 30 days. Specifically, Section 214 of the Housing and Community Development Act of 1980 (42 USC 1436a (d) (4)) requires that assistance under the Public Housing or Section 8 program be terminated after 30 days if the remaining family member has not submitted documentation evidencing a satisfactory immigration status or a pending appeal of a verification determination of the family members. (See VAWA Final Rule Federal Register, Volume 81, No 221 November 16, 2016, 80724, 80773.)

## VII Verification under VAWA for Federal Programs

- A. *Requirement for Verification.* For those seeking protection under this Policy, the law allows the HA or a section 8 owner or manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. The HHA will require verification in all cases where an individual claims VAWA protection against an action involving such individual proposed to be taken by the HHA. Section 8 owners or managers receiving rental assistance administered by the HHA may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault can be accomplished in one of the following manners:

- i. *HUD-approved form* - by providing to the HHA or to the requesting Section 8 owner or manager a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD) and available from the HHA, that the individual is a victim of domestic violence, dating violence, stalking or sexual assault; that the incident or incidents in question meets the requirements of the applicable definition(s) set forth in this policy and HUD regulations. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator if the name of the perpetrator is safe to provide and is known to the victim.
- ii. *Other Document* – A document that is signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or mental health professional from whom the victim sought assistance relating to domestic violence, dating violence, sexual assault or stalking, or the effects of abuse, in which the professional states, under penalty of perjury, that he or she believes that the abuse meets the requirements of 24 CFR 5.2003. This should also be signed by the applicant or tenant.
- iii. *Record* – by providing to the HHA or to the requesting Section 8 owner or manager a Federal, State, tribal, territorial, or local law enforcement agency, court or administrative agency record describing the incident or incidents in question.
- iv. *Statement or Other Evidence* – In the event that the information set forth above cannot be obtained the HHA retains the discretion to accept other evidence it determines to be sufficient to meet the requirements of VAWA 2013 on a case-by-case basis.

B. *Time allowed to provide verification/failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault, and who is requested by the HHA, or a Section 8 owner or manager to provide verification, must provide such verification within 14 business days (*i.e.*, 14 calendar days, excluding Saturdays, Sundays, and federally recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. Time for response will be extended upon a showing of good cause.

C. *Additional third-party documentation.* If the HHA, manager, or owner receives documentation that contains conflicting information, the HHA, owner, or manager may require an applicant or tenant to submit third-party documentation. Such third-party documentation shall be provided within 30 calendar days of the date of the request for the third-party documentation.

## VIII Termination of Tenancy or Assistance State Assisted Housing Programs

- A. *Evictions*. If an existing tenant is a documented victim of abuse, domestic violence, dating violence, sexual assault or stalking, and removes the abuser from the unit, the HHA shall not evict the tenant or remaining household members for damage, disturbance, or other lease violation caused by the abuser unless failing to do so could, within an immediate time-frame, result in death or serious bodily harm to persons lawfully on HHA property, and there are no other actions that could reasonably be taken to reduce or eliminate the threat.
- B. *Permissible Documentation*<sup>3</sup>. For purposes of this Section VIII permissible documentation consists of at least one of the following documents herein based on individual circumstances. If any verification appears vague the HHA may obtain additional documentation until the HHA feels that a reasonable showing of the abusive situation has been made. Examples of documentation could include one or more of the following: medical reports, police reports, court reports, applicant attempted to obtain restraining order, applicant has filed a civil or criminal complaint against the accused, letter from attorney stating the case, letter from counselor, psychological report, letter from social service agency or a detailed written explanation of the circumstances. Since certain actions on the part of victims of domestic violence can trigger violent acts by the offenders, no particular item will be mandated as the required form of verification for purposes of this Section.
- C. *Recalculation of Rent and Waiver of Late Fees*. Upon notification that an existing tenant is a documented victim of abuse, domestic violence, dating violence, sexual assault, or stalking, and has removed the abuser from the unit, the HHA shall recalculate the household rent subtracting the abuser's income from the household's total income. In accordance with 760 CMR 6.04(3)(b), there may be good cause for a waiver of any late fees and interest that might otherwise have been charged if the tenant fails to pay the rent until the amount of rent has been recalculated after the removal of an abuser from the household.

## IX Lease Termination under M.G.L. c. 186, §24<sup>4</sup>

- A. *State Statute*. M.G.L. c. 186, §24 provides that if a tenant proves that they were the victim of domestic violence, rape, sexual assault or stalking and they vacate the premises, then the landlord must allow the tenant to terminate the lease and the tenant will no longer be responsible for any lease obligations in accordance with the terms of the statute.
- B. *Notification*. The notification must be made within 3 months of the most recent act of domestic violence, rape, sexual assault, or stalking; or if a member of a tenant's household

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<sup>3</sup> DHCD PHN 2020-39 p.3. indicates that the list of documentation for proposes of priority status should be used for purposes of documentation of rights under the "Tenant" Section of that Notice.

<sup>4</sup> While this law applies to all programs, federal and state, it is likely that those individuals covered under federal VAWA laws may first avail themselves of those options.

is reasonably in fear of imminent serious physical harm from domestic violence, rape, sexual assault, or stalking.

- C. *Proof.* The HHA or Owner may request proof of the status as a victim of domestic violence, rape, sexual assault, or stalking, including the name of the perpetrator, if known, as provided in subsection M.G.L. c. 186, §24 (e).
- D. *Time frame to Quit the Premises.* Within 3 months of written notification to the owner to terminate a rental agreement or tenancy as described herein, a tenant, co-tenant or any household member who is not the perpetrator of the domestic violence, rape, sexual assault, or stalking shall quit the premises. If the tenant or co-tenant fails to quit the premises within 3 months, the notice to terminate the rental agreement or tenancy shall be void.
- E. *Liability for Rent.* A tenant or co-tenant to whom this section applies shall be discharged from liability for rent or use and occupancy for 30 days or 1 full rental period after the quitting date, whichever last occurs, to the extent that a rental agreement and applicable law may otherwise impose such liability beyond the quitting date. Such tenant or co-tenant shall be entitled to a refund of any prepaid rent for any period thereafter. The tenant or co-tenant shall receive a full and specific statement of the basis for retaining any of the security deposit together with any refund due in compliance with section 15B within 30 days of the conclusion of the tenancy and the delivery of full possession of the leased premises by all occupants to the landlord.
- F. *Co-tenants and Belongings.* No other tenant or co-tenant who is a party to the rental agreement shall be released from such tenant's or co-tenant's obligations under the rental agreement or other obligations. If the tenant or co-tenant to whom this section applies vacates but leaves belongings, such belongings shall be deemed abandoned and may be disposed of under applicable law, unless the tenant or co-tenant indicates in writing the responsibility for such belongings and the action to be taken with respect to such belongings. If the tenant or co-tenant to whom this section applies vacates, but another person remains in the premises other than another tenant or co-tenant, nothing in this section shall affect the owner's rights and obligations with regard to such remaining person. A landlord who in good faith initiates an action against a remaining tenant, co-tenant or household member, or a housing subsidy provider who terminates or denies a rental subsidy to a remaining tenant, co-tenant or household member, or takes any other action under this section, shall not be subject to a claim of retaliation or any other claim under this chapter.
- G. *Proof.* If relief is sought because of recent or ongoing domestic violence, rape, sexual assault or stalking, an owner may request that proof be provided to show that a protective order or third-party verification is in effect or was obtained within the prior 3 months, or a tenant or co-tenant is reasonably in fear of imminent serious physical harm. Proof of status as a victim of domestic violence, rape, sexual assault or stalking shall be satisfied by production of any 1 of the following documents:
  - (1) a copy of a valid protection order under chapter 209A or 258E obtained by the tenant, co-tenant or member of the household;

(2) a record from a federal, state or local court or law enforcement of an act of domestic violence, rape, sexual assault or stalking and the name of the perpetrator if known; or

(3) a written verification from any other qualified third party to whom the tenant, co-tenant or member of the tenant or co-tenant's household reported the domestic violence, rape, sexual assault or stalking; provided, however, that the verification shall include the name of the organization, agency, clinic or professional service provider and include the date of the domestic violence, rape, sexual assault or stalking, and the name of the perpetrator if known; and provided, further, that any adult victim who has the capacity to do so shall provide a statement, under the penalty of perjury, that the incident described in such verification is true and correct.

## X Confidentiality

*Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, dating violence, stalking or sexual assault) provided to the HHA or to a Section 8 owner or manager in connection with a verification required under this policy, shall be retained by the receiving party in confidence and shall not be entered in any shared database nor provided to any other entity or individual, except where disclosure is:

For federal programs:

- i. requested or consented to by the individual in writing in a time limited release, or
- ii. required for use in an eviction proceeding or hearing in connection with termination of assistance, or
- iii. otherwise required by applicable law.

Further if this information is collected pursuant to M.G.L. c. 186, §24 for federal or state programs the HHA shall keep written proof of status as a victim of domestic violence, rape, sexual assault or stalking documentation and the information contained in the documentation confidential, and shall not provide or allow access to such documentation in any way to any other person or agency, unless the victim provides written authorization for the release of such information or unless required by court order, government regulation or governmental audit requirements.

## XI Transfer and Moves to New Residence

- A. *Application for transfer.* The opportunity to transfer in federal Public Housing and the opportunity to relocate in federal voucher rental assistance programs for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is primarily described in the Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (“ETP”). The policies within the ETP shall prevail with regard to transfers and relocations in these circumstances. To the extent that said policies do not conflict with the ETP, the Section 8 Administrative Plan and the Admissions and Continued Occupancy Policy and the applicable regulations

addressing transfers and relocations generally shall also apply unless an exception is required to conform with requirements under VAWA rules.

- B. *Family Moves with Continued Tenant Based Assistance under the federal HCV program.* For Housing Choice voucher assisted families, the family may move to a new unit when the family or a member of the family, is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and the move is needed to protect the health or safety of the family or family member, or if any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move. The HA will not terminate assistance if the family, with or without prior notification to the HA, moves out of a unit in violation of the lease, if such move occurs to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit. Further, any family member that has been the victim of a sexual assault that occurred on the premises during the 90- calendar-day period preceding the family's move or request to move is not required to believe that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit.
- C. *Transfers in State Assisted Public Housing.* The DHCD Form Lease and regulation at 760 CMR 6.06(4)(q) requires that an LHA must provide reasonable and appropriate assistance to tenants who are victims of domestic violence. Such reasonable and appropriate assistance for victims of domestic violence/abuse (as well as for victims of sexual assault, dating violence, or stalking) assisted in state housing programs may include granting the tenant a transfer for administrative reasons in accordance with the definition at 760 CMR 5.03.
- D. *Family Moves with Continued Tenant Based Assistance under state assisted mobile voucher programs.* For voucher assisted families, the family may terminate their assisted lease pursuant to state law as described within this policy. At the request of the victim the HHA will assist the family to relocate with their voucher assistance when the lease has been terminated pursuant to this law.
- E. *Extension of Voucher Term.* The HCV Administrative plan provides that voucher search times may be extended for extenuating circumstances due to domestic violence, dating violence, sexual assault, or stalking.
- F. *Family Break-Up Policy.* For a family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), the HHA must ensure that the victim retains assistance. This is the case even if the HHA cannot determine victim status adequately based upon the facts and provides for a voucher split in accordance with the HCV Administrative Plan.

## XII Obligation to Change Locks under State Law and Prohibitions on Entering

The policies below relate to where the HHA is the landlord. The laws also apply to landlords in the Housing Choice Voucher Program.

- A. *Change of Locks.* In Massachusetts there is a statutory obligation to change locks for tenant households under imminent threat of domestic violence, rape, sexual assault, or stalking. If a member of a tenant household is under imminent threat of domestic violence, rape, sexual assault or stalking, the HHA must change the locks within 48 hours of receiving a request and deny the perpetrator a key to the new lock. The HHA may request, in good faith, proof of the status as a victim of domestic violence, rape, sexual assault or stalking, including the name of the perpetrator, if known, as provided in subsection (e) of Ch.186 section 24.
- B. *Denial of key to perpetrator.* If the threat of domestic violence, rape, sexual assault or stalking is posed by a person who is a tenant, co-tenant or household member, the PHA may change the locks and deny a key to the alleged perpetrator upon receipt of a request to change the locks; provided, however, that such request shall be accompanied by: (i) a copy of a valid protective order issued under chapter 209A or chapter 258E issued against a tenant, co-tenant or household member; or (ii) a record from a federal, state or local court or law enforcement, indicating that a tenant, co-tenant or household member thereof poses an imminent threat of domestic violence, rape, sexual assault or stalking.
- C. *Prohibition of the abuser from entering or remaining upon HHA property.* Where an abuser is not a member of a tenant household, in appropriate circumstances, the HHA may seek a court order to prohibit the abuser from entering or remaining upon HHA property in accordance with M.G.L. c.121B, § 32B-32F.

## XIII Court Orders/Family Break-up

- A. *Court orders.* A Massachusetts court with jurisdiction may determine who shall be entitled to the public housing tenancy in the event of the break-up of the tenant family or a protective order. If a court determines the disposition of property between members of the assisted family in a Divorce or Separation under a Settlement or Judicial Decree, the HA is bound by the courts determination of which family members continue to receive assistance in the program.
- B. *Family break-up.* With the exception of the paragraph above, if the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the HA will ensure that the victim retains the assistance under federal programs and make it a compelling component of its determination in state programs. This provision supersedes any inconsistent policies on family break up as set forth in other administrative documents as applicable. However, other policies may serve to supplement this provision.

## XIV Relationships with Service Providers

It is the policy of the HHA to cooperate with organizations and entities, both private and governmental that provide shelter and/or services to victims of domestic violence, dating violence, stalking and/or sexual assault. If HHA staff become aware that an individual assisted by the HHA is a victim of domestic violence, dating violence, stalking or sexual assault, the HHA will provide the victim with written materials about such providers of shelter or services. However, and notwithstanding the foregoing, this Policy does not create any legal obligation requiring the HHA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence, dating violence stalking and /or sexual assault or to make a referral in any particular case.

## XV Notification

- A. Federal Programs - HUD VAWA Notice and the HUD Form (Collectively Exhibit A) was provided to participants and tenants for a period of one year at annual recertification or lease renewal for 12 months after December 16, 2016 and is provided at the time an applicant is denied assistance or admission, at the time the individual is provided with assistance or admission and with any notification of eviction or termination of assistance.
- B. State Assisted Housing and the Alternative Housing Voucher Program - The DHCD Informing Notice to Applicants (Exhibit B) is provided to all applicants through the Common Housing Application for Massachusetts Programs (CHAMP) screening package and will be provided by the HHA to all state-assisted public housing tenants upon lease-up. The DHCD Informing Notice to Tenants (Exhibit C) is provided to existing state-assisted public housing tenants at annual rent redetermination.
- C. The Massachusetts Rental Voucher Program - The HHA will provide all Applicants with information about VAWA at the time they request an application for housing assistance, in all notices of denial of assistance, at the time of admission, when VAWA statutes and/or regulations change and with notices of termination of assistance. The VAWA information provided to Applicants and Participants will consist of the notice in Exhibit D: Notice to MRVP Applicants and Participants Regarding Violence Against Women Act (VAWA) and the form attached as Exhibit E: Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Form

The HHA will provide Owners and managers with information about their rights and obligations under VAWA when they begin their participation in MRVP. The VAWA information provided to Owners will consist of the notice in Exhibit F and a copy of the Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Form (Exhibit E).

## XVI Discrimination Prohibited

A landlord or subsidy provider may not refuse to enter into a lease or provide a subsidy because an applicant exercised their rights under Chapter 186 to terminate their lease or to change their locks.

The 2022 reauthorization of VAWA includes new requirements that the U.S. Department of Housing and Urban Development implement and enforce VAWA's housing rights and ensure that program participants comply with those requirements. HUD is providing for the filing and processing of individual VAWA complaints with its Office of Fair Housing and Equal Opportunity (FHEO). Individuals who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint please see Violence Against Women Act (VAWA) | HUD.gov / U.S. Department of Housing and Urban Development (HUD) for more information. FHEO will also accept VAWA complaints via mail, email, or telephone.

## XVII Relationship with Other Applicable Laws

Nothing in this this Policy shall be construed to supersede any provision of any federal, state or local law that provides greater protection than that provided herein for victims of domestic violence, dating violence, stalking or sexual assault.

## XVIII Amendments and Attachments

This policy may be amended from time to time by the HHA as approved by its Board. The attachments to this policy are illustrative and notifications and/or certifications may be substituted when amended by HUD, DHCD or the HHA as appropriate without the necessity of a Board Vote.

Exhibit A HUD Approved Notice 5380 with HUD Approved Certification Form 5382 as attachment – these are for use with federal Public Housing and Housing Choice Voucher Program

**Hudson Housing Authority**<sup>5</sup>  
**Notice of Occupancy Rights under the Violence Against Women Act**<sup>6</sup>

**To all Tenants and Applicants:**

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.<sup>7</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **the Hudson Housing Authority's (HHA's) Public Housing and Section 8 Program** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this 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.”

**Protections for Applicants**

If you otherwise qualify for assistance under **Public Housing or the Section 8 Program**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

**Protections for Tenants**

If you are receiving assistance under, **Public Housing or the Section 8 Program** you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim 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 **Public Housing or the Section 8 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**

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<sup>5</sup> The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD's program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

<sup>6</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>7</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.

The Hudson HA 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 the HHA chooses to remove the abuser or perpetrator, the HHA 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, the HHA must allow the tenant who is or has been a victim 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, the HHA must follow Federal, State, and local eviction procedures. In order to divide a lease, the HHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

### **Moving to Another Unit**

Upon your request, the HHA 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, the HHA 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 are a victim of 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 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.

The HHA 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. The HHA's emergency transfer plan provides further information on emergency transfers, and the HHA 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**

The HHA can, but is not required to, 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 request from the HHA must be in writing, and the HHA 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. The HHA 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 the HHA as documentation. It is your choice which of the following to submit if the HHA 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 given to you by the HHA 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 the HHA has agreed to accept.

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

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

## **Confidentiality**

The HHA 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.

The HHA must not allow any individual administering assistance or other services on behalf of the HHA (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.

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

- You give written permission to the HHA to release the information on a time limited basis.
- The HHA 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 the HHA or your landlord to release the information.

VAWA does not limit the HHA'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, the HHA cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies 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 the HHA 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 the HHA can demonstrate the above, the HHA 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-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 the Boston Regional Office Department of Housing and Urban Development, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Third Floor, Boston, MA 02222-1092.

### **For Additional Information**

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

For questions regarding VAWA, please contact Jaclyn Beaulieu, HHA Executive Director at (978) 562-9268.

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 Boston Area Rape Crisis Center, Office Phone: 617-492-8306, Hotline Phone: 800-841-8371, TTY Phone: 617-492-6434 or the Domestic Violence Services Network, Office Phone: 978-318-3421, Hotline Phone: 888-399-6111.

For tenants who are or have been victims of staking 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>.

For help regarding sexual assault, you may contact the Boston Area Rape Crisis Center, Office Phone: 617-492-8306, Hotline Phone: 800-841-8371, TTY Phone: 617-492-6434 or the Domestic Violence Services Network, Office Phone: 978-318-3421, Hotline Phone: 888-399-6111 or you 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/>.

Victims of stalking seeking help may contact Boston Area Rape Crisis Center, Office Phone: 617-492-8306, Hotline Phone: 800-841-8371, TTY Phone: 617-492-6434 or the Domestic Violence Services Network, Office Phone: 978-318-3421, Hotline Phone: 888-399-6111.

**Attachment:** HUD Certification form 5382

Attachment: HUD 5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (12/2016) at [www.hud.gov/hudclips/](http://www.hud.gov/hudclips/) 5 forms

**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): _____ _____ _____ _____
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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.

Exhibit B Notice to All Applicants: Information Regarding Domestic Violence, Sexual Assault, Dating Violence, And Stalking in State-Aided Public Housing

**Notice to All Applicants\***  
**Information Regarding Domestic Violence, Sexual Assault,  
Dating Violence, And Stalking in State-Aided Public Housing**

- **Protections for applicants:**
  - An applicant for state-aided public housing generally may not be denied admission because the applicant is or has been a victim of domestic violence.
  - When a Local Housing Authority (LHA) determines that an applicant may be disqualified for housing because of a lease violation at a prior tenancy, including damage, disturbance, or nonpayment of rent, the applicant may show as mitigating circumstances that the applicant was a victim of domestic violence and that the violation was caused by the abuser.
  - These protections also apply to victims of sexual assault, dating violence, and stalking.
  
- **Abusive Situation priority:**
  - Applicants who are homeless or who are at risk of displacement as a result of “abuse”/domestic violence may qualify for a state-aided public housing priority (Priority 4(C), “Abusive Situation”) in accordance with the Housing Situation Priority Policy for LHAs and the “Checklist of Required Verification Documents for Housing Situation Priority Status” available in CHAMP and at <https://www.mass.gov/guides/how-to-apply-for-public-housing>).
  
- **Resources:**
  - SafeLink (877) 785-2020 or <http://www.casamyrna.org/chat> (includes options for the Deaf and hard of hearing), the state domestic violence hotline. SafeLink is a toll-free domestic violence Massachusetts hotline that provides callers 24/7 live response in English, Spanish, Portuguese, with access to translation in more than 130 languages. See also <http://www.casamyrna.org> .
  - The National Domestic Violence Hotline at 1-800-799-7233 (1-800-787-3224 (TTY) for persons with hearing impairments).
  - 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/>).
  - National Center for Victims of Crime’s Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

\* The term “applicant” generally includes members of the applicant household.

Exhibit C Notice to All Tenants: Information Regarding Domestic Violence,  
Sexual Assault, Dating Violence, And Stalking in State-Aided Public Housing

**Notice to All Tenants\***  
**Information Regarding Domestic Violence, Sexual Assault,  
Dating Violence, And Stalking in State-Aided Public Housing**

- **Protections for tenants:**
  - A tenant in state-aided public housing generally may not be evicted because the tenant is or has been a victim of domestic violence.
  - With limited exceptions, if a tenant is a victim of domestic violence and removes the abuser from the unit, the Local Housing Authority shall not evict the non-abuser tenant/remaining household members for damage, disturbance, or other lease violation caused by the abuser.
  - These protections also apply to victims of sexual assault, dating violence and stalking.
  
- **Requesting a lock change:**
  - Tenants/household members who reasonably believe that they are under an imminent threat of domestic violence, rape, sexual assault or stalking at the premises also have the right to request that the LHA change the locks to their dwelling unit and deny the abuser a key to the new lock. If the LHA fails to change the locks within 2 business days, tenants may change the locks and must make a good faith effort to provide a key to the LHA within 2 business days in accordance with the law (Massachusetts General Laws, Chapter 186, section 26).
  
- **Moving to another unit:**
  - Upon a tenant's request to move to another unit due to domestic violence, sexual assault, dating violence, or stalking, where moving to another unit would help the tenant to be safer, the LHA may provide an administrative transfer to an appropriate size unit owned by the LHA within the LHA's state-aided public housing portfolio, subject to unit availability.
  
- **Resources:**
  - SafeLink (877) 785-2020 or <http://www.casamyrna.org/chat> (includes options for the Deaf and hard of hearing), the state domestic violence hotline. SafeLink is a toll-free domestic violence Massachusetts hotline that provides callers 24/7 live response in English, Spanish, Portuguese, with access to translation in more than 130 languages. See also <http://www.casamyrna.org>.
  - The National Domestic Violence Hotline at 1-800-799-7233 (1-800-787-3224 (TTY) for persons with hearing impairments).
  - 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/>).
  - National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

\* The term "tenant" generally includes members of the tenant household.

Exhibit D: Notice to MRVP Applicants and Participants Regarding Violence Against Women Act (VAWA)

## **Notice to MRVP Applicants and Participants Regarding Violence Against Women Act (VAWA)**

This sample notice was adapted from a notice prepared by the National Housing Law Project.

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

### **Protections for Victims**

If you are eligible for a Massachusetts Rental Voucher Program (MRVP) voucher, the AA cannot deny you rental assistance solely because you are a victim of domestic violence, dating violence, sexual assault, or stalking. If you are the victim of domestic violence, dating violence, sexual assault, or stalking, you cannot be terminated from the MRVP or evicted based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can’t be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.

### **Reasons You Can Be Evicted**

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

### **Removing the Abuser from the Household**

Your landlord may split the lease to evict a tenant who has committed criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, while allowing the victim and other household members to stay in the assisted unit. Also, the AA can terminate the abuser’s MRVP rental assistance while allowing you to continue to receive assistance. If the landlord or AA chooses to remove the abuser, it may not take away the remaining tenants’ rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

### **Moving to Protect Your Safety**

The AA may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The AA may require that you be current on your rent or other obligations in MRVP. The AA may ask you to provide proof that you are moving because of incidences of abuse.

### **Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

The AA and your landlord can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault, or stalking. The AA or your landlord must give you at least 14 business

days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. The AA and your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the AA or your landlord. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the landlord may evict you, and the AA may terminate your rental assistance.

### **Confidentiality**

The AA and your landlord must keep confidential any information you provide about the violence against you, unless:

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

If release of the information would put your safety at risk, you should inform the AA and your landlord.

### **VAWA and Other Laws**

VAWA does not limit the AA's or your landlord's duty to honor court orders about access to or control of the property... his includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up. VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

For Additional Information

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

### **Definitions**

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

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

- A current or former spouse of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse; • 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 against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

VAWA defines dating violence as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

VAWA defines sexual assault as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a)).

VAWA defines stalking as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the 4 intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

Exhibit E: MRVP Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Form.

## **Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Form**

**Purpose of Form:** The Violence Against Women Reauthorization Act of 2013 (“VAWA”) protects qualified tenants, participants, and applicants, and affiliated individuals, who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied housing assistance, evicted, or terminated from housing assistance based on acts of such violence against them.

**Use of Form:** This is an optional form. A housing agency, owner, or manager presented with a claim for continued or initial tenancy or assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking (herein referred to as “Victim”) has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. The Victim has the option of either submitting this form or submitting third-party documentation, such as:

1. A record of a Federal, State, tribal, territorial, or local law enforcement agency (e.g. police), court, or administrative agency; or
2. Documentation signed by the Victim and signed by an employee, agent or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom the Victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) that he or she believes that the incident of domestic violence, dating violence, sexual assault, or stalking is grounds for protection under 24 Code of Federal Regulations (CFR) § 5.2005 or 24 CFR § 5.2009.

If this form is used by the Victim, the Victim must complete and submit it within 14 business days of receiving it from the housing agency, owner, or manager. This form must be returned to the person and address specified in the written request for the certification. If the Victim does not complete and return this form (or provide third-party verification) by the 14th business day or by an extension of the date provided by the housing agency, manager, or owner, the Victim cannot be assured s/he will receive VAWA protections.

If the Victim submits this form or third-party documentation as listed above, the housing agency, owner, or manager cannot require any additional evidence from the Victim.

**Confidentiality:** All information provided to a housing agency, owner or manager concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking relating to the Victim (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking) shall be kept confidential by the housing agency, owner, or manager, and such information shall not be entered into any shared database. Employees of the housing agency, owner, or manager are not to have access to these details unless to afford or reject VAWA protections to the Victim; and may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) requested or consented to by the Victim in writing; (ii) required for use in an eviction proceeding; or (iii) otherwise required by applicable law.

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**To be completed by the Victim of Domestic Violence,  
Dating Violence, Sexual Assault, or Stalking**

Victim Date Written Request Received by Victim: \_\_\_\_\_

Name of Victim: \_\_\_\_\_

Name of Other Families Members Listed on Lease: \_\_\_\_\_

Name of Perpetrator\*: \_\_\_\_\_

\*Note: The Victim is required to provide the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. Date(s) the Incident(s) of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurred:

Location of Incident(s): \_\_\_\_\_

Description of Incident(s) This description may be used by the housing agency, owner, or manager for purposes of evicting the perpetrator. Please be as descriptive as possible. Please attach additional sheets of paper as necessary.

I hereby certify that the information that I have provided is true and correct and I believe that, based on the information I have provided, that I am a victim of domestic violence, dating violence, sexual assault or stalking. I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction.

Signature: \_\_\_\_\_ Executed on (Date): \_\_\_\_\_

**Exhibit F: Notice to MRVP Owners and Property Managers Regarding the Violence Against Women Act (VAWA).**

## **Notice to MRVP Owners and Managers Regarding the Violence Against Women Act (VAWA)**

This sample notice was adapted from a notice prepared by the National Housing Law Project.

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

### **Protections for Victims**

You cannot refuse to rent to an applicant solely because he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You cannot evict a tenant who is the victim of domestic violence, dating violence, sexual assault, or stalking based on acts or threats of violence committed against the victim. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

### **Permissible Evictions**

You can evict a victim of domestic violence, dating violence, sexual assault, or stalking if you can demonstrate that there is an actual and imminent (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking. You cannot hold a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than you hold tenants who are not victims.

### **Removing the Abuser from the Household**

You may bifurcate (split) the lease to evict a tenant who has committed criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants’ rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

### **Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

If a tenant asserts VAWA’s protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You are not required to demand official documentation and may rely upon the victim’s statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- A completed, signed HUD-approved certification form. The most recent form is HUD50066. This form is available through the agency administering your Voucher Payment Contract (housing authority or regional administering agency) or online at <http://www.hud.gov/offices/adm/hudclips/>.
- A statement from a victim service provider, attorney, or medical professional who has helped the victim address incidents of domestic violence, dating violence, sexual assault,

or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both the victim and the professional must sign the statement under penalty of perjury.

- A police or court record, such as a protective order.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

### **Confidentiality**

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking.

You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law. The victim should inform you if the release of the information would put his or her safety at risk.

### **VAWA and Other Laws**

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up. VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

### **Additional Information**

HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at <http://www.hud.gov/offices/adm/hudclips/>. For a discussion of VAWA's housing provisions, see the preamble to the final VAWA rule, which is available at <http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf>.

### **Definitions**

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies: VAWA defines domestic violence to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse; • 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 against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

VAWA defines dating violence as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

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

VAWA defines sexual assault as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a)).

VAWA defines stalking as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

