



**CUMBERLAND HOUSING
GROUP**

Addendum F VIOLENCE AGAINST WOMEN ACT POLICY

I. Purpose

The purpose of this policy (herein called “Policy”) is to implement the applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2022 (Pub. L. 117-103, Division W, 136 Stat.49 (VAWA 2022)) and more generally to set forth the Housing Authority of the City of Cumberland’s (HACC’s) policies and procedures regarding protections to victims of domestic violence, dating violence, sexual assault and stalking as hereinafter defined.

On March 15, 2022, HUD published its VAWA Final Rule implementing the requirements of VAWA 2022 through HUD regulations. This Policy shall be applicable to the administration by HACC of all federally subsidized public housing under the United States Housing Act of 1937. Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

II. Applicability

Guests, unassisted members, and live-in aides of the family are ineligible for VAWA protections that are available only to tenants and participants. As a reasonable accommodation, a tenant/participant can request VAWA protections based on the grounds that the live-in aid is a victim of domestic violence, dating violence, sexual assault or stalking. In addition, other reasonable accommodations may be needed on a case-by-case basis. In cases where a guest or unassisted member is a victim of domestic violence, dating violence, sexual assault or stalking, a tenant/participant cannot be evicted or have assistance terminated on the basis of the domestic violence, dating violence, sexual assault or stalking of the guest or unassisted member.

III. Definitions

A. Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

B. Affiliated individual, with respect to an individual, means:

1. A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
2. Any individual, tenant, or lawful occupant living in the household of that individual.

- C. Bifurcate** means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.
- D. Dating Violence** means violence committed by a person:
1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.
- E. 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 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.
- F. Immediate Family Member** - means, with respect to a person:
1. A spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
 2. Any other person living in the household of that person and related to that person by blood or marriage.
- G. Perpetrator** – means person who commits an act of domestic violence, dating violence or stalking against a victim.
- H. Sexual Assault** means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- I. Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. Fear for the person's individual safety or the safety of others; or
 2. Suffer substantial emotional distress.

- J. VAWA** means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

IV. Admissions and Screening

HACC will not deny admission to public housing, or to any of its programs, to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, provided that such person is otherwise qualified for such admission.

VAWA protections are not limited to women. Victims of domestic violence, dating violence, sexual assault, or stalking are eligible for protections without regard to sex, gender identity, or sexual orientation. HACC will not discriminate against any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age and will not deny admission to public housing, or to any of its programs, to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, provided that such person is otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

V. Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If HACC chooses to request an individual to document their claim of domestic violence, dating violence, sexual assault, or stalking, HACC must make such request in writing. Simply providing the victim the form HUD-5382 does not constitute a written request for documentation, unless the form HUD5382 is accompanied by a dated letter requesting documentation.

The individual may satisfy this request by providing any one of the following documents:

A. Form HUD-5382 (Self-Certification Form)

The VAWA Final Rule transmitted the certification form, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation, form HUD-5382. HACC will include form HUD-5382 with the VAWA Notice of Occupancy Rights (form HUD-5380) in the Residential Lease Book, on its website and will be made available in any HACC office upon request. The form HUD-5382:

1. Provides that VAWA protects applicants, tenants, and program participants from being evicted, denied assistance, or terminated from housing assistance based on act of domestic violence, dating violence, sexual assault, or stalking.
2. Is an optional way for victims to comply with a written request for documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking for persons seeking VAWA protections.
3. Provides that the victim or someone on the victim's behalf may complete the form.
4. Provides a list of alternative third-party documentation to satisfy a request by HACC for documentation.
5. Explains the time period for responding to a written request for documentation.
6. Describes the confidentiality protections under VAWA.

7. Requires that the victim or someone filling out the form on the victim's behalf must answer 10 numbered questions and provide a brief description of the incident(s).
 8. Clarifies that the name of the accused perpetrator does not have to be provided if it is unknown to the victim or it cannot be provided safely.
 9. Clarifies that the date and time of incident should be completed only if known by the victim.
 10. Requires the victim or someone filling out the form on the victim's behalf to certify to the truth and accuracy of the information being provided, and explains that false information could be the basis for denial of admission, termination of assistance, or eviction; or
- B. A document:
1. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:
 2. Signed by the applicant or tenant; and
 3. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking; or
- C. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- D. At the discretion of HACC, the HACC President/CEO, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the President/CEO. Any such waiver must be in writing. A waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances. Acceptable evidence is defined as:
1. Acceptance of Verbal Statement – HACC is not required to ask for documentation when an individual presents a claim for VAWA protections and may instead choose to provide benefits to an individual based solely on the individual's verbal statement or other corroborating evidence. A verbal statement may be accepted in the following instances:
 - a. HACC was aware of the abuse and encouraged the victim to request VAWA protections.
 - b. If HACC decides to rely on such information, it will in a confidential manner, document the individual's verbal statement or other corroborating evidence.

The HACC must accept any of the above items (a – c) but does have discretion to accept a statement or other evidence (d).

The HACC is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, or stalking, unless the submitted documentation contains conflicting information.

If the HACC makes a written request for documentation, HACC may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation.

HACC may extend this time period at its discretion. During the 14 business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection. In determining whether to extend the 14-business day period, HACC will consider factors that may contribute to the victim's inability to provide the documentation in a timely manner. These factors may include, but are not limited to: cognitive limitations, disabilities, limited English proficiency, absence from the unit due to hospitalization or time in an emergency shelter, administrative delays in obtaining police or court records, the danger of further violence, and the victim's need to address health or safety issues.

If the applicant or tenant fails to provide documentation within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of HACC to:

- A. Deny admission by the applicant or tenant to the housing or program;
- B. Deny assistance under the covered housing program to the applicant or tenant;
- C. Terminate the participation of the tenant in the covered housing program; or
- D. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

VI. Verifying Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

HACC must accept the submitted documentation and is prohibited from seeking additional documentation of victim status, unless the submitted documentation does not meet the criteria in the VAWA Final Rule or the submitted documentation contains conflicting information. The VAWA Final Rule prohibits HACC from requiring the victim to provide third-party documentation of victim status, unless:

- A. More than one applicant or tenant provides documentation to show they are victims of domestic violence, dating violence, sexual assault or stalking, and the information in one person's documentation conflicts with the information in another person's documentation; or
- B. Submitted documentation contains information that conflicts with existing information already available to HACC. In these circumstances, the regulations allow HACC to require the

applicant(s) or tenant(s) to submit third-party documentation which meets the third-party documentation request with a document that is:

1. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
2. Signed by the applicant or tenant; and
3. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking; or
4. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency (for example, a police report) that documents the incident of domestic violence, dating violence, sexual assault, or stalking.

The applicant(s) or tenant(s) must be given 30 calendar days from the date of the request to provide such documentation. If an applicant or tenant responds with third-party documentation that meets the criteria above and supports the applicant or tenant's VAWA request, HACC is prohibited from requiring further documentation of the applicant or tenant's status as a victim of domestic violence, dating violence, sexual assault, or stalking. However, if an applicant or tenant does not submit any third-party documentation within the required time period or submits documentation that does not meet the criteria above HACC may, but is not required to, accept that applicant or tenant's assertion of victim status for the purpose of the VAWA protections.

HACC may also provide the applicant(s) or tenant(s) with contact information for local legal aid offices, which may be able to assist in providing appropriate referrals, obtaining restraining orders, and preparing for grievance hearings. If HACC requests, but does not receive third-party documentation, HACC has the option to deny VAWA protections and must notify the applicant or tenant. If this results in a tenant(s) being terminated from assistance, HACC must hold a separate grievance hearing for the tenant. Alternatively, HACC has family break-up policies allowing for assistance to be provided to both persons seeking VAWA protections are contained in HACC's Public Housing Admissions and Continuing Occupancy Plan (ACOP).

Perpetrators sometimes obtain temporary restraining orders or file police reports against victims as a form of retaliation. Further, many victims are unable to timely access the courts or law enforcement due to the language barriers, disabilities, cultural norms, or fear for their safety. As a result, the fact that only one party submitted third-party documentation is not always a reliable indicator of domestic violence, dating violence, sexual assault, or stalking.

HACC is prohibited from conducting further fact finding for the purpose of trying to verify the "validity" of an applicant or tenant's victim status.

However, if HACC already has or regularly receives reliable information that conflicts with the submitted documentation HACC may require third-party documentation of victim status, based on

information outside of the submitted documentation. Examples of reliable information include surveillance footage, police report(s), and other verifiable information. This information must not be collected for the purpose of discrediting claims for VAWA protections, but may be collected for other legitimate reasons; such as addressing safety in the community. If the applicant or tenant subsequently does not submit third-party documentation, or only submits third-party documentation that contains conflicting information, HACC has the option to deny VAWA protections and must notify the applicant or tenant.

VII. Determining Eligibility for VAWA Protections

The VAWA Final Rule provides that an applicant for assistance or a tenant/participant receiving assistance under the HACC may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the applicant or tenant/participant 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.

In addition to prohibiting a denial, termination, or eviction based on the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, the VAWA Final Rule prohibits HACC from denying assistance or admission, terminating participation in, or evicting a tenant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. An adverse factor refers to any factor that can be used as a basis for denying admission, terminating assistance, or evicting a tenant. However, if a denial or termination of assistance or eviction is required by a federal statute, based on a particular adverse factor, the HACC must comply with that statute, even if the adverse factor is a direct result of domestic violence, dating violence, sexual assault or stalking. For example, if the applicant is subject to a lifetime registration requirement under a State sex offender registration program, the HACC must deny the applicant admission, even if the sex offense(s) were a direct result of the fact that the applicant was a victim of domestic violence, dating violence, sexual assault or stalking.

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

In order to determine if an Adverse Factor is a Direct Result of Domestic Violence, Dating Violence, Sexual Assault or Stalking to trigger the direct result analysis, it is the responsibility of the applicant or tenant to:

- Inform HACC that they are a victim of domestic violence, dating violence, sexual assault, or stalking; and
- Provide enough information for HACC to make a determination regarding the adverse factor they are claiming was a direct result of domestic violence, dating violence, sexual assault, or stalking.

After HACC receives this information, it should consider the individual's statement and any possible supporting documentation in determining if an adverse factor was a direct result of domestic violence, dating violence, sexual assault, or stalking. If further information is necessary for this determination, the HACC may request additional supporting documentation from the applicant or tenant. However, any request for additional documentation must:

- A. Be in accordance with HACC policies or practices,
- B. Not require evidence of the domestic violence, dating violence, sexual assault, or stalking other than as specified herein; and
- C. Not violate the VAWA Final Rule's confidentiality requirements or any other laws.

Note: Where an applicant, tenant or participant fails to request VAWA protections, HACC is not independently required to identify whether adverse factors are the direct result of domestic violence, dating violence, sexual assault, or stalking.

Any communications with a third party must be done consistent with the VAWA rule's confidentiality requirements. If HACC believes any information is not clear, it should speak to the victim and try to clarify the information. After HACC has received the information from the tenant or applicant, and if necessary, clarified this information with the tenant or applicant, HACC must make an objectively reasonable determination, based on all the circumstances, whether the adverse factor is a direct result of the fact that the applicant or tenant/participant is a victim of domestic violence, dating violence, sexual assault, or stalking.

VIII. Termination of Tenancy or Assistance

- A. Under VAWA, public housing residents and persons assisted under the program have the following specific protections, which will be observed by HACC:
 - 1. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be "good cause" for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.
 - 2. In addition to the foregoing, tenancy or assistance will not be terminated by HACC as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence, sexual assault or stalking engaged in by a member of the assisted household, a guest or another person under the tenant's control, and the tenant or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
 - a. Nothing contained in this paragraph shall limit any otherwise available authority of HACC evict, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant's household. However, in taking any such action, HACC may apply a more demanding standard to the victim of domestic violence, dating violence or stalking than that applied to other tenants.

b. The VAWA Final Rule does not limit an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the property would be present if the tenant or lawful occupant is not evicted. In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

- 1) In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the following standards: An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm.
- 2) 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.

Any eviction due to “actual and imminent threat” should be utilized by an owner only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents.

B. Lease Bifurcation

Further, notwithstanding anything in Federal, State or local law to the contrary, HACC, 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.

If the HACC chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a tenant.

To avoid unnecessary delay in the bifurcation process, HUD recommends that HACC seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit.

The owner would then execute a new lease with the victim. Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases.

- C. The VAWA Final Rule does not limit the authority of HACC, when notified of a court order, to comply with a court order with respect to:
- 1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
 - 2) The distribution or possession of property among members of a household in a case.

IX. Moves

A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

X. Confidentiality

- A. The significant safety issues faced by victims of domestic violence, dating violence, sexual assault, or stalking, mandate that the HACC staff maintain the confidentiality and privacy of victims who seek protections. Any information submitted to HACC, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence with only those employees involved in the receipt and verification of the information having access to this information. The HACC President/CEO may explicitly authorize other staff members to be involved if it is for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.
- B. HACC will not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:
1. Requested or consented to in writing by the individual (victim) in a time-limited release;
 2. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
 3. Otherwise required by applicable law.
- C. When communicating with an applicant, participant, or tenant who has requested VAWA protections, HACC must take precautions to avoid inadvertent disclosure of confidential information to another individual or entity. Unless given permission from the victim to do so, HACC must not leave messages that contain confidential information or refer to VAWA, the VAWA protections, or the domestic violence, dating violence, sexual assault, or stalking on the victim's voicemail system or with other individuals, including members of the victim's household. Leaving a voicemail requesting that the victim contact the PHA or owner without referencing VAWA, VAWA protections, is not prohibited. HACC is not to send mail regarding the domestic violence, dating violence, sexual assault, or stalking to the victim's address if the perpetrator may have access to the victim's mail

The individual requesting VAWA protections is required to come to an office or other space that may be safe for the individual to receive the written request. If the victim gives HACC permission to contact them via mail, voicemail system, electronic mail, or other method approved by the victim, ensure this permission is in writing and specifies which forms of communication with the victim have been approved by the victim. The written permission or other notation must be kept confidential. When discussing these matters directly with the victim, HACC must take reasonable precautions to ensure that no one can overhear the conversation. This includes, providing reasonable accommodations to permit individuals to follow or access any rules, policies, practices, or services, such as modifying a policy requiring that the victim come into the office to pick up the certification form to instead deliver the form to the victim. The HACC may suggest, but cannot require, that the victim designate an attorney, advocate, or other secure contact for communications regarding the request of VAWA protections. This may reduce the burden in ensuring confidentiality in communications with the victim

XI. Other HACC Policies and Procedures

The VAWA regulations and requirements require that this Policy shall be referenced in and attached to the HACC's Five-Year Public Housing Agency Plan and shall be incorporated in and made a part of HACC's Admissions and Continued Occupancy Policy. HACC's annual public housing agency plan shall also contain information concerning HACC's activities, services or programs relating to domestic violence, dating violence, sexual assault and stalking. To the extent any provision of this policy shall vary or contradict any other adopted lease, policy or procedure of HACC, the provisions of this Policy shall prevail. Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence or stalking.

The VAWA Final Rule requires that a description of specific protections afforded to victims of domestic violence, dating violence, or stalking must be included in the public housing lease **including updated provisions of 24 CFR Part 5, Subpart L, including:** • **Definitions (24 CFR 5.2003);** • VAWA protections • Documenting the occurrence of domestic violence, dating violence, sexual assault, or stalking; and • Remedies available to victims of domestic violence, dating violence, sexual assault, or stalking as applicable to the Public Housing program, including emergency transfers.

XII. Service Providers

HACC has extensive relationships with local service providers. HACC staff are available to provide referrals to shelters, counselors, and advocates. If HACC staff becomes aware that an individual assisted by HACC is a victim of domestic violence, dating violence, sexual abuse or stalking, HACC will refer the victim to such providers of shelter or services as appropriate. These resources are also provided in the HACC Annual and 5-Year Plan, Administrative Plan, VAWA Notice of Occupancy Rights, and Emergency Transfer Plan. A list of local service providers is attached to this Notice.

Notwithstanding the foregoing, this Policy does not create any legal obligation requiring HACC to maintain a relationship with any particular provider of shelter or services to victims or domestic violence or to make a referral in any particular case.

XIII. Notification

HACC shall provide written notification to applicants, tenants, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance. HACC will notify the applicant or tenant if it finds that the denial, termination, or eviction is not on the basis or as a “direct result” of being a victim of domestic violence, dating violence, sexual assault, or stalking, and the applicant or tenant is thus denied admission to, denied assistance under, terminated from participation in, or evicted from the housing. An applicant or tenant that disagrees with the finding should use the program’s appeal procedures. In the case of a termination or eviction, HACC must not subject the tenant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim to a more demanding standard than other tenants in determining whether to evict or terminate assistance.

Form HUD-5380 CHG/VAWA Notice of Occupancy Rights

Form HUD-5381 CHG/HACC Emergency Transfer Plan

Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking