

## **Important Information for Section 8 Voucher Holders and Public Housing Residents**

**Have you been a victim of domestic violence, dating violence, sexual assault or stalking?**

**If so, you should know about your rights under the “Violence Against Women’s Act”:**

### **YOUR RIGHTS**

You cannot be denied housing assistance solely because you or an affiliated individual household member are or have been a victim of domestic violence, dating violence, stalking or sexual assault.

A landlord cannot refuse to rent to you solely because you or an affiliated individual household member are or have been a victim of domestic violence, dating violence, sexual assault or stalking.

Your abuser’s acts or threats of domestic violence, dating violence, sexual assault or stalking against you or an affiliated individual household member are not good cause for evicting you or revoking your housing voucher. You do not violate your lease by either you or an affiliated individual household member being the victim of domestic violence, dating violence, sexual assault or stalking.

You cannot be evicted from your unit or have your housing voucher revoked on the basis of criminal activity directly related to domestic violence, dating violence, sexual assault or stalking against you or an affiliated individual household member, UNLESS it can be shown that there is an *actual* and *imminent* threat to the safety of other tenants or staff if you are not evicted or if the voucher is not revoked.

If you and the abuser live together, your abuser can be evicted or removed from your lease or housing voucher for his or her acts of domestic violence, dating violence, sexual assault or stalking but you may not be evicted or otherwise penalized, *unless* (as described above) it can be shown there is an *actual* and *imminent* threat to the safety of other tenants or staff if you are not evicted or if the voucher is not revoked.

Your voucher may be revoked or you may be evicted for serious or repeated lease violations that are unrelated to the domestic violence, dating violence, sexual assault or stalking against you or an affiliated individual household member, as long as the agency providing housing assistance does not hold you to a more demanding set of rules than it applies to tenants who are not victims of domestic violence, dating violence, sexual assault or stalking.

### **YOUR RESPONSIBILITIES**

Your landlord or SMHA can ask you to prove or “certify” that you or an affiliated individual household member are a victim of domestic violence, dating violence, sexual assault or stalking, and thus entitled to the above rights.

If the landlord or SMHA asks you to certify that you or an affiliated individual household member are a victim of domestic violence, dating violence, sexual assault or stalking, you must be given at least 14 business days to collect the necessary proof. Your landlord or SMHA is also free to grant additional time.

There are certain documents that your landlord or SMHA must accept as proof that you or an affiliated individual household member are a victim of domestic violence, dating violence, sexual assault or stalking, including police or court records and certain statements from attorneys, medical professionals, and domestic violence advocates. The landlord or SMHA also has the discretion to accept any other kind of evidence that shows you or an affiliated individual household member are a victim of domestic violence, dating violence, sexual assault or stalking. Specifically, any one of the following is sufficient proof that you or an affiliated individual household member are a victim of domestic violence, dating violence, sexual assault or stalking and entitled to the above described rights:

- ✓ A written, signed statement from a victim services provider that states under penalty of perjury that the provider believes the incidents in question were the acts of domestic violence, dating violence, sexual assault or stalking against you or an affiliated individual household member and that names the abuser. You must also sign the document.

- ✓ A written, signed statement from a medical professional that states under penalty of perjury that the provider believes the incidents in question were the acts of domestic violence, dating violence, sexual assault or stalking against you or an affiliated individual household member and that names the abuser. You must also sign the document.
- ✓ A police record that indicates you or an affiliated individual household member was a victim of domestic violence, dating violence, sexual assault or stalking that names the abuser.
- ✓ A court record (for example, a protective order) that indicates you or an affiliated individual household member was a victim of domestic violence, dating violence, sexual assault or stalking and that names the abuser.
- ✓ Records from an administrative agency that indicates you or an affiliated individual household member was a victim of domestic violence, dating violence, sexual assault or stalking and that names the abuser.
- ✓ Documentation from a mental health professional that indicates you or an affiliated individual household member was a victim of domestic violence, dating violence, sexual assault or stalking and that names the abuser.

In general, your landlord or SMHA must keep confidential any information you provide about the violence against you or an affiliated individual household member unless you give permission to share the information with someone else. The landlord may use this information, however, if it is needed for an eviction proceeding (for example, in order to evict an abuser). The landlord or SMHA can also disclose this information if required to do so by law.

If you move out of your assisted unit in violation of your lease in order to protect your health and safety or that of a family member because you have a reasonable belief that you or an affiliated individual household member are threatened with harm from further domestic violence, dating violence, sexual assault or stalking if you remain in the unit, you may or may not be eligible for continued assistance.

SMHA's current Public Housing transfer policies according to our Admissions and Continued Occupancy Plan and Section 8 move policies according to our Administrative Plan do not include provisions for emergency moves on the basis on VAWA protections.

SMHA is required to provide this notification of VAWA protections along with form HUD-50066 when (1) an applicant is denied housing assistance (2) at admission to our housing programs and (3) when a tenant is notified of eviction or termination of housing assistance.

I have been provided with a copy of this notice:

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Resident's Name

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Date