

Your Rights as a Tenant under VAWA (Violence Against Women Act of 2006)

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence and stalking: the ***Violence Against Women Act***, or **VAWA**.

Protections for Victims

If you have a Section 8 voucher, your rental assistance cannot be denied or terminated or subject to eviction solely because you are a victim of domestic violence, dating violence or stalking.

Reasons You Can Be Evicted

You **CAN** be evicted and lose your rental assistance if Section 8 or your landlord can show there is an actual and immediate threat to other tenants or employees at the property if you remain in your current housing. Also, you can lose Section 8 for serious and repeated lease violations that are not related to a domestic violence, dating violence or stalking situation.

Removing the Abuser From the Household

Your landlord can split the lease by evicting the abuser while allowing the victim and other household members to remain in the assisted unit. Similarly, Section 8 can terminate the abuser's rental assistance while allowing the victim and other family members to continue receiving assistance. The landlord must follow local, state and federal eviction procedures in evicting the abuser from the household. The remaining members of the family may not be denied their rights as tenants.

Moving to Protect Your Safety

Section 8 may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. You will be asked to provide proof that you are moving because of incidences of abuse.

Proving That You Are a Victim of Domestic Violence, Dating Violence or Stalking

Any one of three types of documentation may be used to prove that you are a victim of domestic violence. You can complete a certification form (HUD-50066 available online or from your Section 8 caseworker). Or, submit a current police or court record, such as an order of protection. A third type of acceptable proof is a written statement from a medical professional, attorney or victim service provider who has helped you address incident(s) of domestic, dating or stalking violence. The professional must state that he or she believes that the incidences 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". If you fail to provide Section 8 one of these three documents within 14 business days, you risk eviction or termination of assistance. Section 8 may grant you an extension of 10 business days, provided you submit such a request in writing by the original deadline date of 14 business days.

Confidentiality

Section 8 and your landlord must keep confidential any information you provide about the violence against you, unless: you give written permission to release the information OR the law requires the landlord or Section 8 to release the information OR your landlord needs the information in order to evict the abuser. If such information would put your safety at risk, you should inform Section 8 and your landlord so that safety risks can be identified and addressed.

Definitions Under VAWA

Domestic violence: 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, 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.

Dating violence: is committed by a person who has been or is in a social relationship of a romantic or intimate nature with the victim. The existence of the relationship shall be determined by considering the length, type and frequency of interaction between the persons involved in the relationship.

Stalking is defined as to follow, put under surveillance, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate another person and as a result of such acts places a person in reasonable fear of death or serious bodily injury and causes substantial emotional harm to the intended victim, or member of their immediate family, spouse or intimate partner.

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).

New Rochelle Family Court: (914) 813-5649.

My Sister's Place: 1(800)298-7233 or (914) 683-1333.

MHA of West. Family Abuse Services: (914) 347-4558

West. Co. Family Helpline: weekdays (914) 995-5972
After hours (914) 995-2099. In Spanish: (914)995-6581

NY State Family Violence Hotline: 1-(800) 942-6906

In Spanish: 1-(800) 942-6908.