

SECTION 8 ADMIN PLAN
SECTION 8 ADMINISTRATIVE PLAN

VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE
REAUTHORIZATION ACT OF 2005

It is the intent of the BHA to ensure that women, men or families are not discriminated against, denied access to or evicted from public or subsidized housing programs solely because of their status as victims of domestic violence, dating violence, sexual assault, or stalking. Furthermore, BHA will continue the practice of directing victims to social agencies which specialize in domestic violence issue.

A. Termination of Tenancy or Assistance

1. All owners and tenants are notified of their rights and responsibilities under the law and those tenants facing termination of assistance hearings, which may occur throughout the termination process, are notified again in the initial hearing.
2. Tenants are informed of the special protections afforded by the Violence Against Women Act.
3. The termination of assistance processes would be postponed and the victim would be referred to professional services specializing in domestic violence issues if, during a hearing, it was determined that the termination process was initiated solely because of contributing factor due to actual or threatened domestic violence, dating violence, sexual assault or stalking.
4. BHA or owner still retains the authority to require the perpetrator to leave the household and the tenant to obtain a restraining and/or no trespass orders against the perpetrator as a condition of providing continued assistance or continued tenancy to the remaining members of the family.
5. Furthermore, the owner retains the authority to terminate a tenancy:
 - a. If the termination is for a lease violation premised on something other than an act of domestic violence, date violence, sexual assault or stalking against the victim as long as the victim is being held to a standard no more demanding than the standard to which other tenants are held.
 - b. And/or if it can be demonstrated that there is an “actual or imminent threat to other tenants or those employed at or providing service to the property” if the tenancy occupancy, or program assistance of the victim is not terminated.
6. BHA will provide portable assistance to families that moved out of its assisted unit in violation of the lease if the families are otherwise in compliance with their obligations under the program but have moved out of “in order to protect the health or safety of an individual who0 is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

C. Certification of Domestic Violence, Dating Violence or Stalking

1. Victim must complete and sign, under penalty or perjury, a HUD accepted “Certification of Domestic Violence, Dating Violence, or Stalking” form which includes the name of the perpetrator.
2. Victim must submit copies of acceptable documentation such as a police report, or other police or court records relating to the violence

OR

- have an employee, agent, or volunteer of a victim service provider, attorney, or medical professional - from whom the victim has sought assistance in addressing the violence or its effects - complete the bottom part of the Certification of Domestic Violence, Dating Violence or Stalking form
3. The above must be provided within 14-business day unless the BHA or owner extends the deadline.

D. Confidentiality

All information provided to BHA staff, including the fact that an individual is victim of domestic violence, date violence, sexual assault, or stalking, shall be retained in confidence and shall neither be entered into any shared database nor provided to any related housing agency, assisted housing provider, owner or manager, except to the extent that disclosure is requested or consented to by the individual in writing, the disclosure is required for use in an eviction proceeding, or otherwise required by applicable law.

**NOTIFICATION OF RIGHTS UNDER VIOLENCE AGAINST WOMEN ACT
SECTION 8-ASSISTED TENANT**

To: [Insert name and address of tenant]

From: Brookline Housing Authority

A new federal law reauthorizing the Violence Against Women Act (VAWA) provides certain rights and protections to Section 8-assisted tenants and members of their households. This law requires that you be notified of these rights.

Protections Against Eviction or Termination of Assistance

1. Under VAWA, if an applicant or participant in the Section 8 program is otherwise eligible, the fact that the applicant or participant is or has been a victim of domestic violence, dating violence, or stalking (as these terms are defined in VAWA) is not an appropriate basis for denial of program assistance or for denial of admission.

2. VAWA also states that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking:

(a) will not be considered to be a “serious or repeated” violation of your lease if you are the victim or of the incident or incidents of actual or threatened domestic violence, dating violence or stalking; and

(b) shall not be good cause for terminating your assistance, tenancy, or occupancy rights if you are the victim of such actual or threatened domestic violence, dating violence or stalking.

This means you may not be evicted, nor may your assistance terminated, based on such an incident or incidents of actual or threatened domestic violence, dating violence or stalking where you are the victim.

2. In addition, although your landlord may evict you for certain types of criminal activity as provided in your lease, and the housing agency may terminate your assistance in such cases, VAWA states that you may not be evicted, nor may your program assistance, tenancy or occupancy rights be terminated, if the criminal activity is:

(a) directly related to domestic violence, dating violence, or stalking; and

(b) engaged in by a member of your household, or any guest, or another person under your control; and

(c) you or a member of your immediate family is the victim or threatened victim of this criminal activity.

Portability to a New Location

Section 8 households in good standing may move to another location after one year of assistance and their assistance will follow them. However, the law does not allow this if the family was in violation of its lease when it moved. VAWA creates an exception where a family has complied with all other Section 8 requirements but moved out in violation of the lease in order to protect the health or safety of an individual who:

- (a) was or is the victim of domestic violence, dating violence or stalking, and
- (b) reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit

In these situations, the family will be allowed to port to a new jurisdiction even though it broke the lease by moving out

Certification

If the housing agency, owner, or manager notifies you that it intends to terminate your tenancy or assistance based on an incident or incidents of domestic violence, dating violence, or stalking, and you claim protection against eviction or termination of assistance under VAWA, the housing agency, owner or manager, as the case may be, may require you to deliver a certification. You must deliver the certification within 14 business days after you receive the housing agency's, owner's or manager's request for it. If you do not do this within the time allowed, you will not have any protection under VAWA and the agency, owner, or manager may proceed with terminating your tenancy, evicting you, and/or terminating your assistance without reference to the VAWA protections.

You may certify either by:

- (a) completing and delivering a HUD–approved certification form which will be supplied to you by the housing agency, owner or manager requesting certification; or
- (b) providing the housing agency, owner or manager that requests certification with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim (you or another member of your immediate family) has sought assistance in addressing domestic violence, dating violence, or stalking or the effects of the abuse. (This certification must be sworn under penalty of perjury); or
- (c) producing and delivering to the agency, owner or manager that requests certification, a Federal, State, tribal, territorial, or local police or court record.

Confidentiality

Information you provide to the housing agency, owner or manager relating to the fact that you or another member of your household is a victim of domestic violence, dating violence, or stalking will be retained by the housing agency in confidence. This information will not be shared or disclosed by the agency, owner or manager without your consent except as necessary in an eviction proceeding or as otherwise required by law.

Limitations

VAWA provides certain limitations and clarifications concerning your rights as described above. In particular, you should know that nothing contained in VAWA:

1. prevents the housing agency from terminating assistance or the owner or manager from terminating your tenancy and evicting, for any violation not involving domestic violence, dating violence, or stalking, for which VAWA provide the protections described above. However, the housing agency, owner or manager may not in such cases apply any more demanding standard to you than to other Section 8-assisted tenants.
2. prevents the housing agency from terminating assistance, or the owner or manager from terminating tenancy and evicting where the housing authority, owner or manager can demonstrate “an actual and imminent threat to other tenants or those employed at or providing service to the property.” Where such a threat can be demonstrated by the housing agency, owner or manager, you will not be protected from termination of assistance or termination of tenancy and eviction by VAWA.
3. limits the ability of the housing agency, owner or manager to comply with court orders addressing rights of access to or control of the property. This includes civil protection orders entered for the protection of the victim or relating to distribution or possession of property.
4. supersedes any Federal, State or local law that provides greater protections than VAWA.

Owner or Manager Right to Remove Perpetrator of Domestic of Violence

VAWA also creates a new authority under Federal law that allows an owner or manager of a Section 8-assisted property to evict, remove, or terminate assistance to any individual tenant or lawful occupant of the property who engages in criminal acts of physical violence against family members or others. This may be done without evicting or taking any other action adverse to the other occupants.

Further Information

You may obtain a copy of the Brookline Housing Authority’s written policy concerning domestic violence, dating violence, and stalking, by requesting same in writing from the Brookline Housing Authority, Leased Housing Department at 90 Longwood Avenue, Brookline, MA, 02446.

The written policies contain, among other things, definitions of the terms “domestic violence,” “dating violence,” “stalking,” and “immediate family.”