

## **NOTIFICATION OF RIGHTS AND OBLIGATIONS VIOLENCE AGAINST WOMEN ACT**

### **From: Brookline Housing Authority**

In January 2006, President Bush signed a law known as the Violence Against Women and Department of Justice Reauthorization Act of 2005. Portions of this law create new protections for victims of domestic violence, dating violence and stalking who are residents in public housing or who are assisted with section 8 rental assistance.

The following is a brief summary of the principal provisions of the new law, which is known as "VAWA". Additional details are set forth in the Brookline Housing Authority VAWA policy delivered with this notice.

### **You should know that:**

1. **Admissions:** The housing authority may not deny admission to a public housing project to any applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, or stalking (see attached BHA VAWA policy for definitions of these terms), if the applicant otherwise qualifies for assistance or admission. The Brookline Housing Authority's VAWA Policy has been included in the BHA Admissions and Continued Occupancy Policy.

2. **Lease terms:**

- **An incident or incidents of actual or threatened domestic violence, dating violence, 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 the victim of that violence.**
- **Additionally, your tenancy will not be terminated as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of your household, a guest or another person under your control, and you or an immediate family member is the victim.**

**You should also know that there are some limitations to these protections:**

- **Your tenancy *may be* terminated if the housing authority can demonstrate "an actual and imminent threat" to other tenants or to persons employed at or providing services to the development.**

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- **So long as the housing authority does not apply a more demanding standard to you than to other tenants, your tenancy *may be* terminated for lease violations that are not based on an incident or incidents of domestic violence, dating violence or stalking for which VAWA provides protections.**
- **If you claim protection under VAWA against termination of your tenancy, the housing authority may require you to deliver a certification concerning the incident or incidents that you believe raises the VAWA protections. If you do not deliver this certification within the time allowed, you will lose your legal protections under VAWA.**

3. **Certification:** There are three way to certify if the housing authority requests you to do so. The law allows you to fill out a HUD-approved form, which will be delivered to you by the housing authority, or you may provide a police report or court record, or you may have a professional person whom you consulted about the domestic violence, dating violence or stalking provide documentation as described more fully in the enclosed BHA VAWA Policy. *You must deliver the certification in one of these three ways within 14 business days after your receipt of the housing authority's request for certification.*

4. **Confidentiality:** Information provided by you about an incident or incidents of domestic violence, dating violence or stalking involving you or a member of your household will be held by the housing authority in confidence and not shared without your consent, *except that this information may be disclosed in an eviction proceeding or otherwise as necessary to meet the requirements of law.*

5. **Removal of Perpetrator of Physical Violence:** VAWA contains a new provision of federal law that allows the housing authority to terminate the tenancy of, and evict, an individual tenant or other lawful occupant who engages in criminal acts of physical violence against family members. This action may be taken against the individual alone, without evicting, terminating the tenancy of, removing or otherwise penalizing other household members.

**For additional information, please consult the attached BHA VAWA policy or you may contact your manager.**

**CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING**

**BROOKLINE HOUSING AUTHORITY**

**Certification must be made as provided in *either* section A, section B, or section C below.**

1. Date delivered to resident \_\_\_\_\_.
2. Must complete and return form by \_\_\_\_\_ (14 business days after resident's receipt).
3. If cannot complete form by this date, contact \_\_\_\_\_ at \_\_\_\_\_.

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**A. IF RESIDENT IS CERTIFYING:**

Attach completed and signed HUD Form 50066 – copy attached

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**B. IF CERTIFICATION IS MADE BY PROVIDING POLICE REPORT OR COURT RECORD**

1. Name of the victim of domestic violence, dating violence or stalking: \_\_\_\_\_
2. Victim's address \_\_\_\_\_
3. Head of Household on lease, if not the victim: \_\_\_\_\_
4. Perpetrator's name, if known: \_\_\_\_\_
5. If perpetrator's name is not known, explain why: \_\_\_\_\_
6. Perpetrator's relation to victim: \_\_\_\_\_
7. Dates and description of the qualifying incidents: \_\_\_\_\_

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8. Certification of the violence.

Attached is a copy of a police report, temporary or permanent restraining order, or other police or court record relating to the violence.

I hereby certify that the description of an incident or incidents of domestic violence, dating violence or stalking set forth in the attached police report or court record is true and correct.

Signature of resident: \_\_\_\_\_ Dated: \_\_\_\_\_

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**C. IF CERTIFICATION IS BY AN EMPLOYEE, AGENT OR VOLUNTEER OF A VICTIM SERVICE PROVIDER, ATTORNEY OR MEDICAL PROFESSIONAL FROM WHOM THE VICTIM HAS SOUGHT HELP IN ADDRESSING DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING OR ITS EFFECTS**

**The SERVICE PROVIDER OR PROFESSIONAL must complete this section**

1. Name of the victim of domestic violence, dating violence or stalking: \_\_\_\_\_
2. Victim's address \_\_\_\_\_
3. Head of Household on lease, if not the victim: \_\_\_\_\_
4. Perpetrator's name, if known: \_\_\_\_\_
5. If perpetrator's name is not known, explain why: \_\_\_\_\_
6. Perpetrator's relation to victim: \_\_\_\_\_
7. Dates and description of the qualifying incidents: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ [attach additional sheet if necessary]

8. Certification of the violence.

A professional who helped the victim address the violence must complete the section below.

1. Name of person completing this section \_\_\_\_\_
2. What category best describes you?  attorney  medical professional  victim service provider
3. Title \_\_\_\_\_ Phone \_\_\_\_\_
4. Agency / Business Name \_\_\_\_\_
5. Address \_\_\_\_\_

I hereby certify under penalty of perjury that the foregoing is true and correct and I believe that the incident(s) described above are bona fide incidents of abuse.

Signature \_\_\_\_\_ Date Signed \_\_\_\_\_

Attested to as true and correct:

Signature of victim \_\_\_\_\_ Date signed \_\_\_\_\_

**A. CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING**

**HUD FORM 50066**

**BROOKLINE HOUSING AUTHORITY**

**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. Information provided is to be used by PHAs and Section 8 owners or managers to request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this **form** unless it displays a currently valid OMB control number.

**Purpose of Form:** The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

**Use of Form:** A family member must complete and submit this certification, or the information that may be provided in lieu of the certification, within 14 business days of receiving the written request for this certification by the PHA, owner or manager. The certification or alternate documentation must be returned to the person and address specified in the written request for the certification. If the family member has not provided the requested certification or the information that may be provided in lieu of the certification by the 14th business day or any extension of the date provided by the PHA, manager and owner, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively "domestic violence") under the Section 8 or public housing programs apply.

Note that a family member may provide, in lieu of this certification (or in addition to it):

(1) A Federal, State, tribal, territorial, or local police or court record; or

(2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

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**TO BE COMPLETED BY THE VICTIM OF DOMESTIC VIOLENCE:**

**Date Written Request Received By Family Member:** \_\_\_\_\_

**Name of the Victim of Domestic Violence:** \_\_\_\_\_

**Name(s) of other family members listed on the lease** \_\_\_\_\_

**Name of the abuser:** \_\_\_\_\_

**Relationship to Victim:** \_\_\_\_\_

**Date the incident of domestic violence occurred:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location of Incident:** \_\_\_\_\_

**Name of victim:** \_\_\_\_\_

