

VIOLENCE AGAINST WOMEN ACT POLICY (VAWA)

- 1.0 **PURPOSE:** The purpose of this Policy is to reduce domestic violence, dating violence, and stalking and to prevent homelessness by:
- a. protecting the safety of victims;
 - b. creating long-term housing solutions for victims;
 - c. building collaborations among victim service providers; and
 - d. assisting NBHA to respond appropriately to the violence while maintaining a safe environment for NBHA, employees, tenants, applicants, Section 8 participants, public housing program participants and others.

The Policy will assist the NBHA in providing rights under the Violence Against Women Act to its applicants, public housing residents, Section 8 participants and other program participants.

- 2.0 **MISSION STATEMENT:** NBHA’s policy is to comply with the 2005 VAWA Pub. L. 109-162; Stat.2960 signed into law on January 5, 2006 and codified at 42 U.S.C. § 1437d (1) and 1437 (d), (o) & 1 and (u). NBHA shall not discriminate against an applicant, public housing resident, Section 8 program participant or other program participant on the basis of the rights or privileges provided under the VAWA.

This Policy is incorporated into NBHA’s “Statement of Policies Governing Admissions to Continuing Occupancy of Low Rent Housing” and “Section 8 Program Administrative Plan”.

- 3.0 **DEFINITIONS:** The definitions in this Section apply only to this Policy:
- 3.1: **Confidentiality:** All information provided to the NBHA about resident(s) of domestic violence, dating violence, stalking involving tenant or a member of the household will be held by NBHA in confidence and not shared without tenants consent, except that this information may be disclosed in an eviction proceeding or otherwise as necessary to meet the requirements of law.
- 3.2: **Dating Violence:** Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the

type of relationship; (iii) the frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 1437d (u) (3) (A).

3.3: **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Connecticut, or committed 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 Connecticut. 42 U.S.C. § 1437d (u) (3) (B).

3.4: **Homeless, Homeless Individual and Homeless Person:** A person who lacks a fixed, regular and adequate nighttime resident. Also includes: (a) a person who is sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; (b) a person living in a motel, hotel, trailer park, or campground due to lack of alternative adequate accommodations; (c) a person living in emergency or transitional shelter; (d) a person abandoned in a hospital; (e) a person awaiting foster care placement; or (f) a person who has a primary nighttime resident that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. VAWA of 2005 § 41403.

3.5: **Involuntary Displacement:** Occurs when a victim has vacated or will have to vacate their housing unit because of domestic violence, dating domestic violence or stalking against the victim.

3.6: **Immediate Family Member:** A spouse, parent, brother or sister, or child of a victim or an individual to who the victim stands in loco parentis; or any other person living in the household of the victim and related to the victim by blood and marriage. 42 U.S.C. § 1437d (u) (3) (D).

3.7: **Long-term Housing:** Is housing that is sustainable, accessible, affordable and safe for the foreseeable future which: (a) the person rents or owns; (b) is subsidized by a voucher or other program as long as the person meets the eligibility requirements of the program; (c) directly provided by NBHA, is not time limited and the person meets the eligibility requirements of the program.

3.8: **Perpetrator:** A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.

3.9: **Stalking:** (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the

victim; or (d) to cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse or intimate partner of the victim. 42 U.S.C. § 1437d (u)(3)(C).

3.10: **Victim:** Is a person who is the victim of domestic violence, dating violence, or stalking under this Policy and who has timely and completely completed the certification as requested by NBHA.

3.11: **Sexual assault, “Human trafficking”**

Definition of Human trafficking - The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations define human trafficking as:

a) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or

b) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(9))”.

4.0 **CERTIFICATION AND CONFIDENTIALITY:**

4.1: **Failure to Provide Certification Under 4.2 and 4.3:** The person shall provide complete and accurate certifications to NBHA owner or property manager within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days, NBHA, the owner or property manager may take action to deny or terminate participation or tenancy under; 42 U.S.C. § 1437 1 (5) & (6); 42 U.S.C. §1437 (d) (c) (3); 42 U.S.C. § 1437f (c)(9); 42 U.S.C. § 1437f (d)(1)(B) (ii) & (iii); 42 U.S.C. § 1437f(o)(7)(C) & (D); or 42 U.S.C. § 1437f (o)(20) or for other good cause.

4.2: **HUD Approved Certification:** For each incident that a person is claiming is abuse, the person shall certify to NBHA, owner or property manager their victim status by completing a HUD approved certification form. The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including, but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other information.

4.3: **Other Certification:** A person who is claiming victim status shall provide to NBHA, an owner or manager: (a) documentation signed by the victim

and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional's belief that the incident(s) in question are bona fide incidents of abuse; or (b) a federal, state, tribal, territorial, local police or court record.

4.4: **Confidentiality:** NBHA, the owner and/or property manager shall keep all information provided to NBHA under this Section confidential. NBHA, owner and/or property manager shall not enter the information into a shared database or provide to any related entity except to the extent that:

- (a) the victim requests or consents to the disclosure in writing;
- (b) the disclosure is required for:
 - (i) eviction from public housing under 42 U.S.C. § 1437 I (5) & (6) (See Section 5 in this Policy)
 - (ii) termination of Section 8 assistance under 42 U.S.C. § 1437f (c)(9); 42 U.S.C. § 1437f (d) (I)(B)(ii) &(iii); 42 U.S.C. § 1437f (O)(7)(C)&(D); or 42U.S.C. § 1437f(o)(20) (See Section 5 in this Policy; or
- (c) the disclosure is required by applicable law.

4.5: **Compliance Not Sufficient to Constitute Evidence of Unreasonable Act:**

The NBHA, owner or manager compliance with Section 4.1, 4.2 and 4.3 shall alone not be sufficient to show evidence of an unreasonable act or omission by them.

5.0 **APPROPRIATE BASIS FOR DENIAL OF ADMISSION, ASSISTANCE OR TENANCY:**

- 5.1: NBHA shall not deny participation or admission to a program on the basis of a person's victim status, if the person otherwise qualifies for admission of assistance.
- 5.2 In incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be a serious or repeated violation of the lease by victim and shall not be good cause for denying to a victim admission to a program, terminating Section 8 assistance or occupancy rights, or eviction a tenant.
- 5.3 Criminal activity directly related to domestic violence, dating violence, or stalking engaged in by a member of tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate

member of the tenant's family is the victim of that domestic violence, dating violence or stalking.

- 5.4 Notwithstanding Section 5.1, 5.2 and 5.3 NBHA, an owner or manager may bifurcate a lease to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant. 42 U.S.C. § 1437d (1)(6)(B).
- 5.5 Nothing in Section 5.1 and 5.3 shall limit the authority of New Britain, an owner or manager, when notified, to honor court order addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members when the family breaks up.
- 5.6 Nothing in Section 5.1, 5.2 and 5.3 limits NBHA, an owner or manager's authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant's household. However NBHA, owner or manager may not hold a victim to a more demanding standard.
- 5.7 Nothing in Section 5.1, 5.2 and 5.3 limits NBHA, an owner or manager's authority to evict or terminate assistance, or deny admission to a program if the NBHA, owner or manager can show an actual and imminent threat to other tenants, neighbors, guests, their employees, persons providing service to the property or others if the tenant family is not evicted or terminated from assistance or denied admission.
- 5.8 Nothing in Section 5.1, 5.2 or 5.3 limits NBHA, an owner or manager's authority to deny admission, terminate assistance or evict a person who engages in criminal acts including, but not limited to, acts of physical violence or stalking against family members or others.
- 5.9 A Section 8 recipient who moves out of a assisted dwelling unit to protect their health or safety and who: (a) is a victim under this Policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the unit; and (c) has complied with all other obligations of the Section 8 program may receive a voucher and move to another Section 8 jurisdiction.
- 5.10 A public housing tenant who wants a transfer to protect their health or safety and who: (a) is victim under this Policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or

she remains in the units; and (3) has complied with all other obligations of the public housing income program may transfer to another NBHA unit, receive a Section 8 voucher and stay in Connecticut or move to another Section 8 jurisdiction.

6.0 **ACTIONS AGAINST A PERPETRATOR:** NBHA may evict, terminate assistance, deny admission to a program or trespass a perpetrator from its property under this Policy. The victim shall take action to control, or prevent the domestic violence, dating violence, or stalking. The action may include, but is not limited to: (a) obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator; (b) obtaining and enforcing a trespass against the perpetrator; (c) enforcing NBHA or law enforcement's trespass of the perpetrator; (d) preventing the delivery of the perpetrator's mail to the victim's unit; (e) providing identifying information listed in 4.2; and (f) other reasonable measures.

7.0 **NOTICE TO APPLICANTS, PARTICIPANTS, TENANTS AND SECTION 8 MANAGERS AND OWNERS:**

NBHA shall provide notice to applicants, participants, tenants, managers and owners of their rights and obligations under Section 4.4 Confidentiality and Section 5.0 Appropriate Basis for Denial of Admission, Assistance or Tenancy.

8.0 **REPORTING REQUIREMENTS:** NBHA shall include in its 5-year plan a statement of goals, objectives, policies or programs that will serve the needs of victims. NBHA shall also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

9.0 **CONFLICT AND SCOPE:** This Policy does not enlarge NBHA's duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this Policy conflicts with another NBHA policy such as its Statement of Policies or Section 8 Administration Plan, this Policy will control.

10.0 **AMENDMENT:** The Executive Director may amend this policy when it is reasonably necessary to effectuate the Policy's intent, purpose or interpretation. The proposed amendment along with the rationale for the amendment shall be submitted to the Executive Director for consideration. Where reasonably necessary, the Executive Director may approve the amendment. The amendment shall be effective and incorporated on the date that the Executive Director signs the amendment.

HOUSING AUTHORITY OF THE CITY OF NEW BRITAIN

CERTIFICATION OF DOMESTICE VIOLENCE, DATING VIOLENCE OR STALKING

Certification must be made as provided in Section A and either 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. **RESIDENT/APPLICANT MUST COMPLETE:**

Attach completed and sign HUD Form 50066 – copy attached

B. **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. Date and description of the qualifying incidents: _____

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: _____

C. **IF CERTIFICATION IS BY AN EMPLOYEE, AGENT, OR VOLUNTER 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 following section:

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: _____