

## VIOLENCE AGAINST WOMEN ACT (VAWA) NOTICE

The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified recipients of HUD-assisted housing from adverse actions (evictions/termination of assistance) solely as a result of being a victim of domestic violence, dating violence or stalking. Please review your HAP Contract and the following information.

Section 8 e in the HAP Contract and the Tenancy Addendum, titled *Termination of Tenancy by Owner, Protections for Victims of Abuse* outlines the rights and responsibilities of the owner and incorporates the following requirements:

- An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as serious or repeated violations of the lease or other good cause for termination of the assistance or tenancy.
- Criminal activity directly related to abuse engaged in by a household member, guest or other person shall not be cause for termination of assistance if the tenant or an immediate member of the household is the victim or threatened victim of the abuse.
- The PHA may terminate assistance, or the owner may remove from the lease only the person who has committed the abuse against another family member.
- The Act does not limit the authority of a PHA to honor court orders addressing rights of access or control of property including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members.
- The Act does not limit the authority of the owner to evict or the PHA to terminate assistance for any violation not premised on the acts of abuse or violence as long as the individual who has been a victim is not subjected to a more demanding standard than other tenants.
- The Act does not limit the authority of an owner to evict or the PHA to terminate assistance to any tenant if the owner or PHA can demonstrate an actual and imminent threat to other tenants or to employees if the tenant is not evicted or terminated from assistance.
- The Act does not supersede any provisions of any federal, state or local law that provides for a greater degree of protection.

Please be aware that Section 8 landlords are subject to these provisions immediately.

Landlords who wish to review the actual language of the legislation are referred to Public Law 109-162 and Public Law 109-271 available via the Library of Congress website <http://www.congress.gov>. For additional clarification, please contact your local administrator of the Housing Choice Voucher Program at (607) 547-8839.