
VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY

The following VAWA policy applies to the Leased Housing Program and the Public Housing Program:

A) PURPOSE

1. 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 PHA to respond appropriately to the violence while maintaining a safe environment or PHA, employees, resident households, applicant households and others.

2. The Policy will assist the PHA in providing rights under the Violence Against Women Act ("VAWA") to its applicant households, federal public housing households and other program participants.

3. This Policy applies to applicants for PHA programs and to PHA public housing residents. A separate policy that applies to Section 8 applicants and participants will be adopted as part of the PHA's Section 8 Administrative Plan.

B) MISSION STATEMENT

1. PHA's policy is to comply with the 2005 VAWA Pub. L. 109-162; PHA shall not discriminate against an applicant resident household, public housing resident household, or other program participant on the basis of the rights or privileges provided under the VAWA.

C) DEFINITIONS

1. The definitions in this Section apply only to this Policy.

Confidentiality: Confidentiality means that PHA will not enter information provided to PHA under this policy into a shared database or provide this information to any related entity except as stated in D(4).

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:
 - 1) The length of the relationship;
 - 2) The type of relationship; and
 - 3) The frequency of interaction between the persons involved in the relationship.

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 Massachusetts, 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 Massachusetts.

Immediate Family Member: A spouse, parent, brother or sister, or child of a victim or an individual to whom the victim stands in loco parentis; or any other person living in the resident household of the victim and related to the victim by blood and marriage.

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

Stalking: Includes the following:

- 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.

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 under Section D or as requested by PHA.

D) CERTIFICATION AND CONFIDENTIALITY

1. HUD Approved Certification

- a. For each incident that a person is claiming is abuse, except as provided in Section D (2) below, the person shall certify to PHA, owner or manager their victim status by completing a HUD approved certification form.
- b. 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.
- c. 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. The PHA will not make contact with the perpetrator if doing so would create a risk of harm to the person claiming abuse.
- d. If there is reason to believe that the certification is incomplete or inaccurate, the PHA may require additional documentation of the incident. Such documentation shall not place the victim in any danger. The PHA shall work with the victim to identify appropriate sources of documentation.

2. Other Certification: A person who is claiming victim status may provide to PHA, an owner or manager the following certification instead of the HUD-approved certification:

- a. Documentation signed by the victim and an employee, agent, or volunteer of a victim service provider, a social service provider, domestic violence shelter staff, school personnel, an attorney, or a medical professional, including social workers, psychologists, and mental health providers, from whom



the victim 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.

c. If the victim elects to provide other certification, either that certification or the victim must 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.

3. Failure to Provide Certification

a. The person shall provide complete and accurate certifications to PHA, owner or manager within fourteen (14) business days after the party requests in writing that the person completes the certifications. The PHA shall allow reasonable extensions, as determined by the PHA, for submission of certifications for good cause shown.

b. If the person does not provide a complete and accurate certification within the 14 business days, or any extension granted by PHA, PHA, the owner or manager may take action to deny or terminate participation or tenancy.

4. Confidentiality: PHA, the owner and manager shall keep all information provided to PHA under this Section confidential.

a. PHA, owner and manager shall not enter the information into a shared database or provide to any related entity except to the extent that:

- 1) The victim requests or consents to the disclosure in writing;
- 2) The disclosure is required for:
 - i. Eviction from public housing.
 - ii. Termination of Section 8 assistance; or
 - iii. The disclosure is required by applicable law.

E) APPROPRIATE BASIS FOR DENIAL OF ADMISSION OR TENANCY

1. PHA 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 or assistance.

2. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking and/or any

behavior engaged in by a perpetrator directly related to such incidents 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 occupancy rights, or evicting a tenant.

3. Where the PHA receives adverse information about an applicant or applicant's household member(s) and the applicant is a victim of domestic violence, the PHA shall determine whether there is a substantial connection between the adverse information and the fact that the applicant/household member is a victim of domestic



violence. If the PHA determines that there is such a connection, then the PHA shall disregard the adverse information (provided that the perpetrator will not be part of the applicant household).

4. The PHA shall not require a particular landlord reference or other information, where obtaining such a reference or information will place the applicant, or a member of the applicant's household, at increased risk of harm. In this instance, the PHA shall allow reasonable alternative forms of verification as determined by the PHA, and shall not ask the applicant to obtain documents not reasonably obtainable, as determined by the PHA. The PHA shall, in appropriate instances, permit the applicant to provide photocopies of original documents where originals cannot be obtained due to the actions of the perpetrator.

5. Criminal activity directly related to domestic violence, dating violence, or stalking engaged in by a member of a tenant's resident household or any guest or other person under the tenant's control shall not be cause for termination of 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.

6. Notwithstanding Sections E.1., E.2. and E.5. above, PHA may bifurcate a lease to evict 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, or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant.

7. Nothing in Sections E.1., E.2. and E.5. shall limit the authority of PHA, an owner or manager, when notified, to honor court orders 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 resident household members when the family breaks up.

8. Nothing in Sections E.1., E.2. and E.5. limits PHA'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 resident household. However PHA, owner or manager may not hold a victim to a more demanding standard.

9. Nothing in Sections E.1., E.2. and E.5. limits PHA's authority to evict or terminate assistance, or deny admission to a program if the PHA, owner or manager can show an actual and imminent threat to other resident households, 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.

10. Nothing in Sections E.1., E.2. and E.5. limits PHA'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.

11. A public housing resident household may request a transfer in accordance with the PHA's Transfer Policy to protect their health or safety if the resident household meets the following criteria:

- a. Is a victim under this Policy;
- b. reasonably believes he or she is imminently threatened by harm from further violence if he or she remains in the apartment; and
- c. has complied with all other obligations of the public housing program;
- d. the determination of eligibility for the transfer will be made by the Director of Operations or



his/her designee;

- e. a household found to meet the above criteria may be permitted to transfer to another PHA unit,
- f. receive a Section 8 voucher and stay in Provincetown or move to another Section 8 jurisdiction, provided that the transfer will ameliorate the risk to the health and safety of the victim.

F) ACTIONS AGAINST PERPETRATORS

1. PHA may evict, or deny admission to a program or bar a perpetrator from its property under this Policy.
2. The victim shall take action to control or prevent the domestic violence, dating violence, or stalking. Steps taken shall be reasonable to the circumstances of each case, and shall not create a risk of harm to the victim. 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 an order barring the perpetrator from the property;
 - c. Enforcing PHA or law enforcement's order barring the perpetrator from the property;
 - d. Preventing the delivery of the perpetrator's mail to the victim's unit;
 - e. Providing identifying information listed in D (1) (c) above.; and
 - f. Other reasonable measures.
3. The PHA shall take measures to protect the confidentiality of a victim's tenant file from disclosure to a perpetrator after the perpetrator has been removed from the household.

G) NOTICE TO APPLICANTS AND RESIDENT HOUSEHOLDS

1. PHA shall provide notice to applicants and, resident households, of their rights and obligations under Section D (Certification and Confidentiality) and Section E (Appropriate Basis for Denial of Admission or Tenancy). Such notice shall include the duty of the PHA to consider mitigating circumstances and to request a reasonable accommodation under the PHA's Reasonable Accommodation Policy.

H) REPORTING REQUIREMENTS

1. PHA shall include in its Annual Plan a statement of goals, objectives, policies or programs that will serve the needs of victims. PHA 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.

I) CONFLICT AND SCOPE

1. This Policy does not enlarge PHA's duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance shall control. If this Policy conflicts with another PHA policy, this Policy will control.

