

## **Domestic Violence Law Updated with New Protections**



On January 5, 2006, President Bush signed into law the “**Violence Against Women and Department of Justice Reauthorization Act of 2005.**” This bill reauthorizes and expands provisions of the **Violence Against Women Act (VAWA)**, which was originally enacted in 1994. This article serves to inform you of individual rights under the VAWA as it relates to new protections for victims of domestic violence, dating violence, or stalking. Included in these protections are provisions for victims who live in assisted housing.

- Through the Public Housing Program, new provisions provide that an applicant or participant who is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission of an otherwise qualified applicant.
- Regarding the Public Housing apartment lease, an incident(s) of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance or tenancy of the victim of such violence.
- A termination of assistance to remove a lawful occupant or tenant who engages in criminal acts of violence to family members or other without terminating assistance to victimized lawful occupants is permissible. The Housing Authority could also evict if there is a demonstration of actual or imminent threat to other tenants and employees. The Housing Authority could honor court orders regarding rights of access or control of property.
- Through the Section 8 Voucher Program, the VAWA prohibits housing authorities and owners from considering actual or threatened domestic violence or stalking as cause for terminating assistance or tenancy. Such violence cannot be considered as (1) a serious or repeated lease violation; (2) as other good cause for ending the tenancy; or (3) as criminal activity for ending tenancy. If the perpetrator is a member of the victim's family, the Housing Authority has the right to require the individual to leave the household as a condition of providing continued assistance to remaining household members.
- Housing agencies and owners continue to have the right to terminate assistance and tenancy of the victim under two conditions: (1) if termination is for a lease violation for something other than one of the new protections and the owner is not holding the victim to a standard more demanding than the standard of other tenants; and (2) the agency or owner can demonstrate an “actual and imminent threat to other tenants or those employed at or providing service to the property” if the tenancy is not ended.
- Housing Authorities and owners have the discretion to apply the Violence Against Women Act requirements solely on an individual's statement. However, they have the right to require a victim to complete a HUD-approved certification or provide documentation from the local police or a victim service provider. This documentation must be provided in the time specified or the protections of the Act are void.
- Any information provided to the Housing Authority or owner by a victim must be kept confidential unless: (1) the victim requests or consents to the disclosure in writing; (2) the disclosure is required for use in an eviction proceeding; or (3) the disclosure is required by law.

Should you have questions about this information, please call the Housing Authority staff at 526-4400, ext. 113 or 128.