



Violence Against Women Act Notice to Landlords in the Housing Choice Voucher and Project- Based Voucher Programs

In January 2006, Congress passed the Violence Against Women Act. This Act provides certain rights to victims of domestic violence. This is a preliminary notice to tenants and owners about the changes.

Please be aware that the new requirements do not provide any special assistance or preference for victims of domestic violence.

Overview

The sections of the Violence Against Women Act that pertain to Housing Authority programs require that victims of domestic violence, dating violence, or stalking not be denied admission or terminated for criminal activity on the basis of such violence.

Definitions

The following terms are defined in the Violence Against Women Act.

DOMESTIC VIOLENCE: The term `domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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 the jurisdiction.

DATING VIOLENCE: The term `dating violence' means 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.

STALKING: The term `stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Provisions That Apply to Owners Participating in the Housing Choice Voucher and Project Based Voucher Programs

1. Owners or managers may bifurcate a lease to remove an individual who engages in criminal acts of physical violence against family members.
2. Nothing in these requirements prevent owners, managers, and the Housing Authority from complying with court orders addressing rights of access or control of property, including civil protection orders, notwithstanding these new requirements.
3. Nothing in these requirements limits the ability of owners, managers, or the Housing Authority to terminate or evict on the basis of other criminal behavior, as long as victims of domestic violence, dating violence, or stalking are not subject to stricter requirements than anyone else.
4. Nothing in these requirements limits the authority of owners, managers or the Housing Authority to evict or terminate tenants if they can demonstrate an actual or imminent threat to other tenants or employees working at the property.
5. If there are state or local laws that are stricter than these, those laws shall apply.