

## **USDA RURAL DEVELOPMENT VIOLENCE AGAINST WOMEN ACT** **(VAWA) POLICY**

The VAWA Act provides tenant rights and protections to certain programs authorized under sections of the Housing Act of 1949, as amended (42 U.S.C. §1471, et seq); namely, Rural Development's Section 515 Rural Rental Housing (RRH), Section 514/516 Farm Labor Housing (FLH), Section 538 Guaranteed Rural Rental Housing (GRRP), and Section 533 Housing Preservation Grant (HPG) programs (referred collectively as MFH Programs).

The Violence Against Women Act (VAWA) requires owner/agents of federally assisted housing to support, through their property policies, victims of domestic violence, dating violence, sexual assault or stalking and protect victims and their families from being denied or losing housing through a government program covered under the Act, solely due to victim status.

- Being a victim of domestic violence, dating violence, sexual assault or stalking, as these terms are defined in the law, is not a basis for denial of assistance or admission to assisted housing if the applicant otherwise qualifies for assistance or admission
- Incidents or threats of domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease or as "good cause" for termination of the assistance, tenancy, or occupancy rights of the victim
- Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a 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 affiliated individual of the tenant is the victim

Property policies that support current residents claiming protections under the Violence Against Women Act may include but are not limited to:

- Residents facing eviction for incidences of violence where they were the victim, even if the perpetrator is also a household member
  - Victims are not protected from their own criminal acts by virtue of their victim status.
  - If an owner/agent can prove that an imminent threat to other residents exists if the victim is not evicted, there may still be grounds for legal eviction.
- Lease bifurcation in order to remove an offending household member from the unit without removing the victim.
  - The owner/agent is to honor court-orders regarding the distribution of property as a result of the eviction.
  - If a lease is bifurcated or if a resident is evicted from the property because of an act covered under the Violence Against Women Act, the person will be permanently barred from the property. Inviting a person evicted because of an Act covered under the Violence Against Women Act or encouraging such person to remain on the property is a lease violation. The resident agrees to notify the owner/agent and/or the local authorities.
- Allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program if the tenant expressly requests the transfer; and

- The tenant reasonably believes that they are threatened with imminent harm from further violence if they remain within the same dwelling unit assisted under a covered housing program; or
- In the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer
- Tenants requesting an emergency transfer under the Rural Development Model Emergency Transfer Plan may receive benefits under 49 U.S.C. part 24, “Uniform Relocation Assistance and Real Property Acquisition Act”, by requesting a Letter of Priority Entitlement (LOPE) from the Agency, as Rural Development considers this to be a situation beyond the tenant’s control under 7 CFR 3560.159(c).
- Tenants should contact the property manager to request an emergency transfer. The property manager should then immediately contact the MFH Program Director in the Rural Development State Office, who is the official responsible for issuing the LOPE.
- The owner/agent will incorporate reasonable confidentiality measures to ensure that the agency or owner or manager does not disclose the location of the current or new dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

Owner/agents will provide applicants and residents the opportunity to request protections under the Act by completing a Certification Form for Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking:

- At the time of admission to the property
- At the start of eviction proceedings, with a 14-day deadline to supply the form.
- At the time of request from the tenant for other protections afforded to victims under the VAWA Act
- An owner/agent may extend the deadline at their discretion

Other paperwork may replace or supplement the certification form such as documents provided by the applicant/resident regarding the claims of victim status such as police reports, letters from victim service providers, attorneys, medical professionals, etc. Owner/agents are not required to demand proof. At their discretion, owner/agents may provide assistance based on self-statement.

Care should be taken to evaluate abuse claims made to avoid eviction. Alternatives to completing the form may be discussed with the applicant/resident. Confidentiality will be maintained per the limits listed on the form. The form will not be mailed if confidentiality may be compromised. The form and applicable attachments will be maintained in a secure file separate from the other resident files.

**This institution is an equal opportunity provider and employer.**

*If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or any USDA office, or call (866) 632-9992 to request a form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov). We do business in accordance with the Federal Fair Housing Act and provide persons with disabilities reasonable accommodation upon request. Persons with language barriers may request or arrange interpretation alternatives or services.*

