
NOTIFICATION OF RIGHTS UNDER VIOLENCE AGAINST WOMEN ACT (VAWA) UNDER PUBLIC HOUSING

To: Applicants and Tenants

From: Goodland Housing Authority, Executive Director Sheila Barnett

A new federal law reauthorizing the Violence Against Women Act (VAWA) provides certain rights to tenants and lawful occupants of public housing. This law requires that you be notified of these rights.

Protection Against Eviction (FORM 5380)

1. VAWA states that an incident or incidents or threatened domestic violence, dating violence, or stalking (as these terms are defined in VAWA) will not be considered to be a "serious or repeated" violation of your lease if you are the victim of the incident or incidents of domestic violence, dating violence or stalking. This means you may not be evicted based on such an incident or incidents where you are the victim.
2. In addition, although the Goodland Housing Authority may evict you for certain types of criminal activity as provided in your lease, VAWA states that the GHA may not evict you if the criminal activity is:
 - a. directly related to domestic violence, dating violence, or stalking; and
 - b. engaged in by a member of your household, or any guests, or another person under your control; and
 - c. you or a member of your immediate family is the victim of this criminal activity.

Certification (FORM 5382)

If the GHA notifies you that it intends to terminate your tenancy based on an incident or incidents of domestic violence, dating violence or stalking, and you claim protection against eviction under VAWA, the GHA may require you to deliver a certification (FORM-5382). You must deliver the certification within 14 business days after you receive the GHA's request for it. If you do not do this within the time allowed, you will not have any protection under VAWA and the GHA may proceed with terminating your tenancy without reference to the VAWA protections.

You may certify either by:

- a. completing and delivering a HUD-FORM 5382 which will be supplied to you by the GHA; or
- b. providing the GHA with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney or a medical professional from whom the victim (you or another member of your immediate family) has sought assistance in addressing domestic violence, dating violence, or stalking or the effects of the abuse. (This certification must be sworn under penalty of perjury); or
- c. producing a Federal, State, tribal, territorial, or local police or court record.

Confidentiality

Information you provide to the GHA relating to the fact that you or another member of your household is a victim of domestic violence, dating violence, or stalking will be retained by the housing agency in confidence. This information will not be shared or disclosed by the agency without your consent except as necessary in an eviction proceeding or as otherwise required by law.

Limitations

VAWA provides certain limitations and clarifications concerning your rights as described above. In particular, you should know that nothing contained in VAWA:

1. Prevents the GHA from terminating and evicting for any violation of a lease that is not based on a matter involving domestic violence, dating violence, or stalking for which VAWA provides protections as described above. However, the GHA may not in such cases apply any stricter standard to you than to other tenants.
2. Prevents the GHA from terminating and evicting where the GHA can demonstrate “an actual and imminent threat to other tenants or those employed at or providing service to the property”. Where such a threat can be demonstrated by the GHA, you will not be protected from eviction by VAWA.
3. Limits the ability of the GHA to comply with court orders addressing the rights of access to or control of the property. This includes civil protection orders entered for the protection of the victim or relating to the distribution or possession of property.
4. Supersedes any Federal, State, or Local Law that provides greater protections than VAWA

Housing Agency Right to Remove Perpetrator of Domestic of Violence

VAWA also creates a new authority under Federal Law that allows a Housing Agency to evict, remove, or terminate assistance to any individual tenant or lawful occupant of public housing who engages in criminal acts of physical violence against family members or others. This may be done without evicting or taking any other action adverse to the other occupants.

Further Information

You may obtain a copy of the Goodland Housing Authority's written policy concerning domestic violence, dating violence, and stalking, from: Goodland Housing Authority Office

The written policy contains, among other things, definitions of terms, "domestic violence", "dating violence", "stalking", and "immediately family".

I certify that I have received a copy of this Notification, along with FORM-5380 and the brochure and the GHA's VAWA policy this date.

Tenant

Date

Tenant

Date

Goodland Housing Authority

Date

