



**City of Glendale
Community Housing Division
6842 N 61st Ave
Glendale AZ 85301
623-930-2180**



December 2006

**NOTICE TO LANDLORDS/MANAGERS/OWNERS
PARTICIPATING IN THE SECTION 8
HOUSING CHOICE VOUCHER (HCV) PROGRAM**

In 2005, the U.S. Congress passed the Violence Against Women (VAWA) and Department of Justice Reauthorization Act of 2005 and President Bush signed the law in January 2006. This law affects the selection of residents, the lease provisions that deal with termination of the lease and eviction, and the termination of assistance or eviction provisions in the HAP contract and the housing authority's relationship with the resident. HUD says the law is effective immediately although it has not issued a revised HAP Contract incorporating these terms. A brief explanation of each of these three areas follows. Consult your attorney, as Glendale Community Housing (CHD) cannot give legal advice.

Selection of tenants and/or program participants: The law prohibits landlords/owners/managers of HCV properties from refusing to lease to persons who are, or have been, victims of domestic violence, dating violence, or stalking, when the applicant is otherwise a qualified applicant.

Lease Terms Regarding Termination: If a tenant is the victim of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking, those incidents may not be construed as a serious or repeated violation of the lease by the victim or the threatened victim of the violence, and are not good cause for terminating the tenancy or occupancy rights of the victim of such violence or threatened violence. Likewise, CHD may not terminate the assistance of such a victim.

Termination of Assistance/Eviction: HAP Contract: 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 the tenancy rights, if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

Termination of Assistance by Housing Authority: Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant, or immediate member of the participant's family who is a victim of the domestic violence, dating violence or stalking.

What the landlord/owner/manager can do:

The owner/manager/landlord may "bifurcate" (split/divide) the lease to terminate evict a leaseholder who engages in criminal acts of violence as described above to family members or others without evicting the victimized lawful occupants.

The owner/manager/landlord may honor court orders regarding rights of access or control of the property.

The owner/manager/landlord may evict tenants for other good cause unrelated to the incident or incidents of domestic violence, provided that the victim is not subject to a “more demanding standard” than non-victims.

The owner/manager/landlord may evict if it can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant is not evicted.

Certification: Tenant provided: If a tenant claims they are a victim of domestic violence, dating violence or stalking, the owner/landlord/manager may request that the tenant certify via a HUD approved certification form (See last two pages of this notice), that the individual is a victim of domestic violence, dating violence, or stalking. The certification must also state that the incident or incidents or bona fide incidents of such actual or threatened abuse, and meet the requirements set forth in the law. The certification form must include the name of the person committing the violence. If the landlord/owner/manager wants the victim to provide a certification, it must tell the victim that it wants it in writing, and that the victim must provide the information no less than 14 days after the date on which the owner/manager/landlord in writing requests the certification. **Third party provided:** 1: the tenant may comply with the certification requirements by providing documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional., from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 USC 1746) to the professionals belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation or 2: the tenant may produce a Federal, State, tribal, territorial, or local police or court record.

Confidentiality: Information provided by the victim pursuant to the certification shall be retained in confidence and not entered into any shared database nor provided to any related entity except when the discloser is: consented to by the individual in writing, required for use in eviction proceedings, or otherwise required by law.

THE NEXT TWO PAGES CONTAIN THE HUD CERTIFICATION FORM FOR TENANT USE.

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0249

Exp. (05/31/2007)

Public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. Information provided is to be used by PHAs and Section 8 owners or managers to request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Purpose of Form: The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

Use of Form: A family member must complete and submit this certification, or the information that may be provided in lieu of the certification, within 14 business days of receiving the written request for this certification by the PHA, owner or manager. The certification or alternate documentation must be returned to the person and address specified in the written request for the certification. If the family member has not provided the requested certification or the information that may be provided in lieu of the certification by the 14th business day or any extension of the date provided by the PHA, manager and owner, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively "domestic violence") under the Section 8 or public housing programs apply.

Note that a family member may provide, in lieu of this certification (or in addition to it):

(1) A Federal, State, tribal, territorial, or local police or court record; or

(2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

TO BE COMPLETED BY THE VICTIM OF DOMESTIC VIOLENCE:

Date Written Request Received By Family Member: _____

Name of the Victim of Domestic Violence:

Name(s) of other family members listed on the lease

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Name of the abuser:

Relationship to Victim: _____

Date the incident of domestic violence occurred: _____

Time: _____

Location of Incident: _____

Name of victim:

Description of Incident:

I hereby certify that the information that I have provided is true and correct and I believe that, based on the information I have provided, that I am a victim of domestic violence, dating violence or stalking and that the incident(s) in question are bona fide incidents of such actual or threatened abuse. I acknowledge that submission of false information relating to program eligibility is a basis for termination of assistance or eviction.

Signature _____ Executed on (Date) _____

All information provided to a PHA, owner or manager relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence shall be retained in confidence by an owner and shall neither be entered into any shared database nor provided to any related entity, except to the extent that such disclosure is (i) requested or consented to by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or (iii) otherwise required by applicable law.