



## EVERETT HOUSING AUTHORITY

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### **Amendment to Section 8 Administrative Plan Violence Against Women Act (VAWA) Policy**

The Violence Against Women Act Policy adopted on March 25, 2008 is herein amended as follows  
Per Reauthorization Act of 2013 (VAWA 2013):

### **AMENDMENT REGARDING THE PROVISIONS OF VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF (VAWA) 2013**

#### **I Purpose**

The purpose of this policy is to implement the applicable provisions of the Violence Against Women Reauthorization Act of 2013 (Pub. L. 113-4, 127 Stat. 54) (VAWA 2013). VAWA 2013 reauthorized and amended the Violence Women Act of 1994, as previously amended, (title IV, sec. 40001-40703 of Pub. L. 103-322, 42 U.S.C. 13925 et seq.).

#### **II Other EHA Policies and Procedures**

To the extent any provisions of this policy shall contradict any previously adopted policy or procedure of the EHA, the provisions of this Policy shall prevail.

#### **III Changes to Existing EHA VAWA Policy**

##### **A. Expanding Housing Protections to Victims of Sexual Assault**

###### **1. Expansion**

VAWA 2013 expands housing protections to victims of sexual assault. All housing protection previously provided and described in EHA policies for “victims of domestic violence, dating violence, or stalking,” shall now be expanded to include, “victims of domestic violence, dating violence sexual assault or stalking.”

###### **2. Definition**

Sexual Assault is defined as any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.



Equal Housing Opportunity

## **B. Expanding Protections Relating to the Prohibition of Terminating Assistance to Affiliated Individuals**

### **1. Expansion**

VAWA 2013 provides that criminal activity directly relating to domestic violence, dating violence sexual assault, or stalking that is 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 or threatened victim of the domestic violence, dating violence, sexual assault, or stalking.

To the extent that prior VAWA policy relating to the prohibition of terminating assistance because of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking uses the term "immediate family member" it shall be replaced with the term with "affiliated individual."

### **2. Definition**

*Affiliated Individual* – means, with respect to an individual

- i. The spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis; or
- ii. Any individual, tenant, or lawful occupant living in the household of that individual

## **C. Expansion of the Protections Regarding Lease Bifurcation**

### **1. Expansion**

Pre-VAWA 2013 requirements provided that notwithstanding the restrictions placed on admission, occupancy, and termination of occupancy or assistance, or any Federal, State, or local law to the contrary, a HA, owner, or manager of assisted housing any bifurcate a lease for housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating the assistance to, or otherwise penalizing a victim of such violence, who is a tenant or lawful occupant.

VAWA 2013 continues to allow for lease bifurcation, but changes the language regarding the violent acts. Specifically, "criminal acts of physical violence against family members or others" is now changed to "criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual."

Thus where applicable in existing EHA policies in this area the language "criminal acts of physical violence against family members or others" shall be replaced with; "criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual."



## 2. Opportunity for Remaining Tenant

VAWA 2013 mandates that if such bifurcation occurs, and the removed tenant or lawful occupant was the sole tenant eligible to receive assistance under a covered housing program, the HA, owner, or manager shall provide any remaining tenant the opportunity to establish eligibility for the covered housing program. If the remaining tenant cannot establish eligibility, the HA, owner, or manager is required to provide the tenant a reasonable time to find new housing or establish eligibility under another covered housing program.

VAWA 2013 provides that the appropriate agency, in this case HUD, with respect to HUD covered programs, is to determine what constitutes a reasonable time. HUD will provide through rulemaking or guidance, as may be applicable, what constitutes a reasonable time for remaining tenant to find new housing or establish eligibility under another HUD covered housing program. The HA will adopt such HUD policies as they are published.

### **D. Expansion of Forms of Documentation that a Victim May Provide**

#### 1. Expansion

As provided within VAWA 2013, forms of documentation a victim may provide are expanded to include a record of an administrative agency, and documentation from a mental health professional.

#### 2. Name on 50066 only if Safe to Provide

The EHA will require the victim to provide the name of the perpetrator on the HUD-50066 only if the name of the perpetrator is safe to provide and is known to the victim.

### **E. Expansion of the Notification Requirements**

EHA will provide VAWA the notice when a person is denied assistance, when a person is admitted, and when a tenant is notified of eviction or termination of housing benefits, and will require that the notice be provided together with form HUD-50066.

## **IV Additional HUD Guidance**

The EHA will amend policies and procedures as required by HUD when HUD provides additional guidance on VAWA 2013. Specifically HUD has indicated that additional guidance will be provided with regard to certain lease bifurcation issues, provisions of Sample Notice

