

**Jim Stary**

---

**From:** James Stary [jstary@newalt.net]  
**Sent:** Sunday, November 30, 2008 9:41 AM  
**To:** jstary1@cox.net  
**Subject:** Happy Thanksgiving!



**New Alternatives, Inc.**



**Greetings!**

We hope your Thanksgiving holiday was filled with family, friends, food and fun. This month's newsletter is dedicated to providing you with necessary information from **HUD** on implementing the Violence Against Women and the Justice Department Reauthorization Act.

**Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005**

The Violence Against Women Act (VAWA) implementing notice from HUD is applicable to all Owners/Agents participating in the following project-based Section 8 programs:

- New Construction
- State Agency Financed
- Substantial Rehabilitation
- Loan Management Set-Aside (LMSA)
- Property Disposition Set-Aside (PDSA)
- Section 202 Projects With Section 8 Assistance (Section 202/8)
- Rural Housing Section 515 Projects With Section 8 Assistance (RHS Section 515/8)

**VAWA protections include:**

Apply to families applying for or receiving rental assistance payments under the project-based Section 8 program.

The law protects victims of domestic violence, dating violence or stalking, as well as their immediate family members generally, from being evicted or being denied housing assistance if an incident of violence that is reported and confirmed.

Provides that an incident of actual or threatened domestic violence, dating violence or stalking does not qualify as a serious or repeated

violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim.

Criminal activity directly relating to domestic violence, dating violence or stalking is not grounds for terminating the victim's tenancy.

Owners/Agents may bifurcate a lease in order to evict, remove, or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit.

#### **Implementing VAWA:**

A. Owners/Agents must update their Tenant Selection Plans and Policies and Procedures.

B. Owners/Agents responding to an incident of actual or threatened domestic violence, dating violence or stalking may request in writing that an individual complete, sign, and submit within 14 business days of the request, the HUD-approved certification form (HUD-91066). The O/A may extend this time period at his/her discretion.

C. In lieu of the certification form or in addition to it, Owners/Agents may accept a) a police record or court record; or b) documentation signed and attested to by a professional whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse.

D. O/As are not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim in order to receive the protections of the VAWA.

E. The identity of the victim and all information provided to Owners/Agents relating to the incident(s) of domestic violence must be retained in confidence by the O/A and must neither be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is a) requested or consented to by the individual in writing; b) required for use in an eviction proceeding or termination of assistance; or c) otherwise required by applicable law. The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.

F. Owners/Agents must retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.

G. Lease Addendum: Owners/Agents are required to attach the HUD-approved Lease Addendum (Form HUD-91067) which includes the VAWA provisions, to each existing or new lease.

1) New admissions. O/As must provide the tenant with the applicable HUD model lease along with the Lease Addendum.

2) Existing tenants. O/As must expeditiously begin to notify existing tenants of the modification to the lease.

a) Notification is accomplished by forwarding to each tenant a copy of the addendum that revises the existing lease agreement.

b) Owners/Agents must also include a letter clearly stating that the tenant can either accept the modification or move but that a response is due within 30 days.

#### H. Lease Bifurcation:

1) Should it be determined that physical abuse caused by a tenant is clear and present, the law provides Owners/Agents the authority to bifurcate a lease. O/As must keep in mind that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state, and local law.

2) In the event that one household member is removed from the unit because of engaging in acts of violence against another household member, an interim recertification should be processed reflecting the change in household composition.

The above information is meant to provide you with an overview of the Owners/Agents rights and responsibilities regarding the implementation of VAWA and is not inclusive of all aspects of the Act. Owners/Agents are encouraged to read the entire HUD NOTICE: H 08-07 that was issued on September 30, 2008 to determine what additional requirements may apply to them.

A copy of NOTICE 08-07 can be obtained by sending an e-mail to [info@newalt.net](mailto:info@newalt.net).

### Implementation & Training Opportunities

New Alternatives offers training on the material in this month's newsletter. This training can be done via teleconferencing, in person or a customized information packet can be sent. WE can also assist you in implementing changes to your Tenant Selection Plan and Operating Procedures. Contact us at [info@newalt.net](mailto:info@newalt.net) for information on pricing.



#### [Forward email](#)

✉ [SafeUnsubscribe®](#)

This email was sent to [jstary1@cox.net](mailto:jstary1@cox.net) by [jstary@newalt.net](mailto:jstary@newalt.net).

[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

New Alternatives | P.O. Box 77149 | Lakewood | OH | 44107

Email Marketing by

