

NOTICE TO OWNERS AND MANAGERS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women Act (VAWA) is a federal law that provides housing protections for individuals who are victims of domestic violence, dating violence, sexual assault, stalking or human trafficking. These protections apply regardless of gender.

Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 the Housing and Urban Development Department (HUD) began including human trafficking as part of the list of victims protected under VAWA. In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, this notice includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

This notice explains your obligations under VAWA.

Protections for Victims

You cannot refuse to rent to an individual solely because they are a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

You cannot evict a tenant because they or a lawful occupant of their household, is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking based on acts or threats of violence committed against them or a lawful occupant of their household.

Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, stalking, or human trafficking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

Moves to Protect Safety

You may not prevent, deny or restrict the tenant's right to move, even during a lease term, to protect the health and/or safety of someone who has been a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking. You may not require a voucher participant covered by VAWA to pay any amount or forfeit any security deposit funds under state law as a condition of their move for health and/or safety. You may ask the tenant for certification that they are protected by VAWA.

Permissible Evictions

You can evict a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking if you can demonstrate that there is an *actual and imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, stalking, or human trafficking. You cannot hold a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking to a more demanding standard than you hold tenants who are not victims.

Removing the Abuser from the Household

You may bifurcate (split) the lease to evict the abuser while allowing the victim and other household members to remain in the unit. If you choose to remove the abuser, you may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

Certification of Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

If a tenant asserts VAWA's protections, you can ask the tenant to certify that they are a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking. You are not required to demand official documentation and may rely upon the victim's statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You may extend this deadline. A tenant can certify by providing any one of the following three documents:

- Certification form approved by HUD (Form HUD 5382), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim.
- A federal, state, tribal, territorial, or local police or court record, or administrative record.
- A statement from a victim service provider, attorney, or a medical or mental health professional who has helped the victim address incidents of domestic violence, dating violence, sexual assault, stalking, or human trafficking. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

If the tenant fails to provide one of these documents within 14 business days (or extended deadline), you may evict the tenant if authorized by otherwise applicable law and lease provisions.

Confidentiality

You are required by law to restrict access to information provided regarding an individual's status as a survivor to only those employees who need such information to perform their job duties. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

If providing the perpetrator's name would put the tenant's safety at risk, the tenant has the right to not disclose.

VAWA and Other Laws

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up. VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, stalking or human trafficking.

Additional Information

- National Domestic Violence Hotline: 1-800-799-SAFE (7233) and online at: www.thehotline.org
- HUD's Notice on VAWA: www.hud.gov/vawa
- Community Overcoming Relationship Abuse (CORA): 1-800-300-1080 and online at: www.corasupport.org
- Project Sentinel for assistance with fair housing issues and/or tenant-landlord mediation services: 1-800-339-6043 and online at www.housing.org
- Housing Authority of the County of San Mateo: 650-802-3300 and online at: www.smchousing.org

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the user or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:

- The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim,
- A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner,
- A person with whom the victim shares a child in common, or
- A person who commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction.

VAWA defines *dating violence* to mean violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship.

VAWA defines *economic abuse* to mean behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, and manipulation to:

- Restrict a person's access to money, assets, credit, or financial information,
- Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage, or
- Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty.

VAWA defines *sexual assault* to mean:

- Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent.

VAWA defines *stalking* to mean:

- To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

VAWA defines *technological abuse* to mean an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:

- Internet-enabled devices
- Online spaces and platforms
- Computers
- Mobile devices
- Cameras and imaging programs
- Apps
- Location tracking devices
- Communication technologies
- Any other emergency technologies