



**BOSTON HOUSING AUTHORITY**

52 Chauncy Street  
Boston, Massachusetts 02111

Phone: 617-988-4000

TDD: 800-545-1833 x420

[www.BostonHousing.org](http://www.BostonHousing.org)

*(This information is available in an alternative format upon request)*

## **Notification of Tenant Rights under Violence Against Women Act (VAWA)**

January 29, 2010

Dear Resident:

A new federal law reauthorizing the Violence Against Women Act (VAWA) provides certain rights and protections to BHA residents and members of their households. This law requires that you be notified of these rights.

Despite the title of the law, the Boston Housing Authority (BHA) policy regarding VAWA is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

### **Protections Against Eviction or Termination of Assistance**

1. Under VAWA, if a resident of the BHA public housing program or a household member is otherwise eligible, the fact that the resident is or has been a victim of, or threats of, domestic violence, dating violence, or stalking (these terms as defined in VAWA are included at the end of this notice) is not an appropriate basis for denial of program assistance or for denial of admission. A person who commits these acts can be denied program assistance and evicted.
2. VAWA also states that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking:
  - a. will not be considered to be a "serious or repeated" violation of your lease if you are or a household member is the victim of the incident or incidents of actual or threatened domestic violence, dating violence, or stalking, and:
  - b. will not be good cause for terminating your tenancy or occupancy rights if you are or a household member is the victim of such actual or threatened domestic violence, dating violence, or stalking.

This means that you may not be evicted based on such an incident or incidents of actual or threatened domestic violence, dating violence, or stalking where you are or a household member is the victim.

3. In addition, although the BHA may evict you for certain types of criminal activity as provided in your lease, VAWA states that you may not be evicted, nor your tenancy, or occupancy rights be terminated, 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 guest, or another person under your control; AND

- c. you or a member of your immediate family is the victim or threatened victim of this criminal activity.

#### 4. **BHA Right to Remove Perpetrator of Domestic Violence**

VAWA also creates a new authority under Federal law that allows the BHA to evict, remove, or terminate assistance to any individual tenant or lawful occupant of the property who engages in a criminal act of physical violence against a household member or others. This action may be taken without evicting or taking any other action adverse to other household members recorded on the lease.

#### 5. **Transfer Eligibility to a New Location or Approval for a Super Priority Status to be Placed on the Housing Choice (Section 8) Voucher Waiting List(s)**

BHA public housing residents who are in good standing may apply for a transfer to move to another location after one year of residency if they qualify for one of BHA's transfer categories, including being a victim of domestic violence, dating violence, or stalking. However, the BHA's Admissions and Continued Occupancy Policy (ACOP) and VAWA Policy create an exception to the one year requirement where a family has complied with all other program requirements, and requests to be transferred to another public housing site or approved for Super Priority status for the Section 8 Housing Choice Voucher program in order to protect the health and safety of an individual who:

- a. was the victim of domestic violence, dating violence, stalking, AND
- b. reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

Subject to BHA's investigation and supporting documentation, the transfer request will be approved and the family will be allowed to move to another location with continued assistance and also may be approved for a Super Priority status to be placed on the Housing Choice (Section 8) Voucher Waiting List(s), if the family is in good standing.

#### 6. **Certification**

If you apply for a transfer or if the BHA notifies you that it intends to terminate your tenancy based on an incident or incidents of domestic violence, dating violence, or stalking, and you or a household member claim protection of assistance under VAWA, the BHA may require you to deliver a certification. You must deliver the certification to the BHA within 14 business days after you receive the BHA's request for it. Unless you have "good cause" for failing to provide the certification within 14 business days, the BHA may proceed with its adverse action without consideration of the protections under VAWA.

You may certify on a form available from the BHA either by:

- a. completing and delivering a HUD-approved certification form which will be supplied to you by the BHA or;
- b. providing the BHA a "**CERTIFICATION OF DOMESTIC VIOLENCE/DATING VIOLENCE/OR/STALKING** (i) 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 the pain and penalty of perjury) and (ii) the victim has signed or attested to the documentation, OR;
- c. producing and delivering to the BHA a Federal, State, tribal territorial, or local police or court record of the incident(s).

## 7. Confidentiality

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

## 8. Limitations

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

- a. prevents the BHA from terminating your tenancy and evicting, for any violation not involving domestic violence, dating violence, or stalking, for which VAWA provide the protections described above. However, the BHA may not in such cases apply any more demanding standard to you than to other public housing residents.
- b. prevents the BHA from terminating the tenancy and evicting where the BHA can demonstrate “an actual and imminent threat to other tenants or those employed at or providing services to the property.” Where such a threat can be demonstrated by the BHA you will not be protected from the termination of tenancy and eviction by VAWA.
- c. limits the ability of the BHA 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 distribution or possession of property.
- d. supersedes any Federal, State or local law that provides greater protections than VAWA.

## 9. Definitions

**Domestic Violence** – The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”

**Dating Violence** – means violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship.
  - (ii) The type of relationship.
  - (iii) The frequency of interaction between the persons involved in the relationship.

**Stalking** – means –

- (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
- (B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to
  - (i) that person
  - (ii) a member of the immediate family of that person; or

(iii) the spouse or intimate partner of that person;

**Immediate Family Member** - means, with respect to a person –

- (A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
- (B) any other person living in the household of that person and related to that person by blood or marriage.

**Perpetrator** – means person who commits an act of domestic violence, dating violence or stalking against a victim.

For further information please contact your Development Manager. The BHA’s VAWA policy is on the BHA’s website, [www.bostonhousing.org](http://www.bostonhousing.org), and at your management office.

Sincerely,

Gail Livingston  
Director of Property Management

**This is an important document. If you require interpretation, please call the telephone number below or come to our offices.**

Este es un documento importante. Si necesita interpretación, por favor llame al número de teléfono que aparece abajo o visite nuestras oficinas.

這是一份非常重要的文件。如果您需要翻譯服務，請撥下面的電話或前往我們的辦公室

Isto é um documento importante. Se exige interpretação, por favor chama o número de telefone embaixo ou vem a nossos escritórios.

Это важный документ. Если Вам требуется перевод, пожалуйста позвоните нам (телефонный номер ниже). Или придите в наш офис.

Đây là một tài liệu quan trọng. Nếu quý vị cần phiên dịch, vui lòng hãy gọi cho số điện thoại bên dưới hoặc đến các văn phòng của chúng tôi.

**នេះ គឺជាឯកសារសំខាន់មួយ។ ក្នុងករណីលោកអ្នក ចាំបាច់ត្រូវចង់បានការបកប្រែ**

**សូមទូរស័ព្ទលេខខាងក្រោមនេះមកកាន់ ឬ**

**អញ្ជើញមកទាក់ទងដោយផ្ទាល់នៅការិយាល័យយើងផ្តុំ។**

**Sa a se yon dokiman enpòtan. Si ou bezwen entèpretasyon, tanpri rele nimewo telefòn ki anba la a oswa vini nan biwo nou.**

**Tani waa dhokomentu muhiim ah. Haddii aad rabto tarjumad, fadlan wac lambarka hoos ku qoran ama imow xafiisyadayada.**

هذه وثيقة مهمة، وإذا كنت في حاجة إلى ترجمة فورية، يرجى الاتصال على رقم الهاتف المذكور أدناه أو أن تتفضل بالمجيء إلى مكتبنا.

این یک سند بسیار مهم است. اگر به ترجمه آن نیاز دارید، لطفاً با شماره تلفن زیر تماس بگیرید یا به دفتر ما مراجعه کنید.

**Telephone No.: (617) 988-4119**