

VAWA facts for Landlords

The **Violence Against Women Act**, or **VAWA**, which went into effect in 2006, is a federal law which protects individuals who are victims of domestic violence, dating violence and stalking. These are the facts for landlords:

Protection for Victims

You cannot refuse to rent to an applicant or evict a tenant solely because he or she is a victim of domestic violence, dating violence or stalking. Also, criminal acts directly related to the violence caused by a household member or guest cannot be the reason for evicting the victim of the abuse.

Permissible Evictions

You may evict a victim of domestic violence if you can show there is an actual and immediate threat to other tenants or employees at the property if the victim is not evicted. You may also evict for serious and repeated lease violations that are not related to domestic abuse. You cannot hold a victim of abuse to a more demanding standard than you hold tenants who are not victims.

Evicting the Abuser from the Household

You may bifurcate (split) the lease by evicting the abuser while allowing the victim and other household members to remain in the unit. You must follow all applicable eviction laws. The remaining family members must retain their rights as tenants.

Certification of Domestic Violence, Dating Violence or Stalking

If a tenant asserts VAWA's protections, you may request that they certify that he or she is a victim. You are not required to demand official documentation and may rely upon the victim's statement alone. If you choose to request documentation, you must do so in writing and give the tenant at least 14 business days to provide it. You are free to extend this deadline.

Acceptable Forms of Proof to be Submitted by Victim

- **HUD-50066**- a certification form available from www.hud.gov or from the Section 8 office. OR
- A police or court record, such as a current order of protection. OR
- A statement from a medical professional, attorney or victim service provider who has helped the victim address incident(s) of violence stating "under penalty of perjury" that the incident(s) of abuse are real; signed by the professional and the victim.

Confidentiality

You must keep confidential any information a tenant provides about the violence against them. Exceptions:

- When release of information is required by law.
- When the tenant gives you written permission.
- When you need the information in an eviction. You must inform the victim before eviction proceedings so that safety risks may be identified and addressed.

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 to protect the victim and orders dividing property among household members in cases where a family breaks up. It does not replace any local, state or federal law that provides greater protection for victims of domestic/ dating violence or stalking.

Definitions Under VAWA

Domestic violence includes a felony or misdemeanor crime of violence committed by a current or former spouse of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; 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 is that which is 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 length and type of the relationship and the frequency of interaction between the persons involved in the relationship.

Stalking is to follow, pursue, place under surveillance or repeatedly commit acts with the intent to kill, injure, harass or intimidate another person AND in the course of or as a result places a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to themselves or an immediate family member, spouse or intimate partner.

Additional Information

National Domestic Violence Hotline: 1-800-799-7233
New Rochelle Family Court: (914) 813-5649
City of New Rochelle Section 8 Office: (914) 654-2176