

Reissuance and Clarification of Housing Notice on Implementation of the Violence Against Women Act (VAWA)

Notice H08-07, Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005 for the Multifamily Project-Based Section 8 Housing Assistance Payments Program, has been reissued as Notice H09-15. The name and language of the notice have not been changed.

Since the initial issuance of the Notice, there has been some misinterpretation of the VAWA requirements that needs clarification. Specifically, due to the name of the statute referencing only women, the Notice has been misinterpreted to only apply to women who are victims of domestic violence, dating violence or stalking. The statute's applicability is not gender specific and the Notice does **not** state that it applies only to women and contains several references to "he/she" when referring to the tenant as being a victim of domestic violence, dating violence or stalking.

Owners/management agents (O/As) must follow the requirements of Notice H09-15 by providing all new tenants with the applicable HUD model lease along with the VAWA Lease Addendum (Form HUD - 91067) which is an attachment to the Notice and revises the lease to reflect the VAWA requirements. O/As who haven't already done so, must also send all existing tenants a copy of the VAWA Lease Addendum (Form HUD - 91067) along with a cover letter which explains that the VAWA Lease Addendum contains important information regarding protections for victims of domestic violence, dating violence or stalking. The letter must clearly state that the tenant can either accept the modifications to the lease by signing the VAWA Lease Addendum or choose to move, which is required for any lease addendum, but that a response is due within 30 days. The VAWA Lease Addendum must be signed by every adult member of the household. Additional lines may be added to the addendum to accommodate multiple signatures.

A final point of clarification is that while the VAWA Lease Addendum must be signed by all new and existing tenants as of the effective date of the initial VAWA Notice (September 30, 2008), the Certification of Domestic Violence, Dating Violence or Stalking (Form HUD - 91066) which is also an attachment to the Notice does **not** need to be signed by every adult member of the tenant's household along with the VAWA Lease Addendum. An O/A responding to a tenant's report of an incident of actual or threatened domestic violence, dating violence, or stalking that could potentially have an impact on the tenant's participation in the Project-Based Section 8 Housing Assistance Payments Program may request that the victim complete, sign, and submit this form within 14 days of the request by the O/A. The O/A may extend this time period at his/her discretion.

Alternatively, in lieu of the certification form or in addition to it, O/As may accept:

A federal, state, tribal, territorial, or local police record or court record, or

Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse.

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