



# Violence Against Women Act (VAWA) Policy

Effective February 26, 2021

For Property Owned and/or Managed by  
Affordable Housing Advocates

# Violence Against Women Act (VAWA) Policy

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Previous version effective date 12/15/16. Revised policy effective 2/26/21 predicated upon business name and address changes.



# Violence Against Women Act (VAWA) Policy

## PROTECTIONS PROVIDED UNDER THE VAWA

The Violence Against Women Act (VAWA) provides protections to women or men who are applicant to or residents of any “covered housing program” and who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. The Owner/Affordable Housing Advocates understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated persons which are defined as follows:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any individual, resident/applicant, or lawful occupant living in the household of that individual.

Other than what is described above, VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident.

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of a VAWA crime.

However, being a victim of a VAWA crime is not reason to change the eligibility or applicant screening requirements set forth in the Tenant Selection Plan unless such requirements interfere with protections provided under the VAWA.

For example: An owner/agent may waive the requirement to review landlord history for an applicant if the victim has provided necessary documentation to certify their status as a victim and if contacting a previous landlord would put the applicant’s location at risk of exposure to the accused perpetrator.

Being a victim of a VAWA crime is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless such requirements interfere with protections provided under the VAWA.

For example: An owner/agent may waive the requirement for a 30-day notice to vacate if the victim has provided necessary documentation to certify their status as a victim and the resident wishes to move to elude the accused perpetrator.

The Owner/ Affordable Housing Advocates will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that he/she wishes to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, he/she should contact the Owner/ Affordable Housing Advocates or the property staff immediately. The Owner/ Affordable Housing Advocates is committed to ensuring that the Privacy Act is enforced in this and all other situations.

## CONFIDENTIALITY

The **Notice of Occupancy Rights under the Violence Against Women Act** provides notice to the resident/applicant of the confidentiality of information about a person seeking to exercise VAWA protections and the limits thereof. The identity of the victim and all information provided to the Owner/ Affordable Housing Advocates relating to the incident(s) of abuse covered under the VAWA will be retained in confidence. Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is

1. Requested or consented to by the victim in writing; or
2. Required for use in an eviction proceeding or termination of assistance; or



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3. Otherwise required by applicable law.

The Owner/ Affordable Housing Advocates will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

### REQUESTS & CERTIFICATION

The person seeking VAWA protections may make a request for a VAWA accommodation in any reasonable manner. The resident/applicant may:

- Complete a VAWA Request Form provided by the Owner/Delphia Management Corporation
- Submitted a written request (*including email but not texting*) Affordable Housing Advocates
- Make a personal (oral) request either in person or via phone/Facetime, etc.

Once a request is made, the Owner/ Affordable Housing Advocates requires that the applicant certifies their status as a victim of a VAWA crime or is a person affiliated with a victim of a VAWA crime using one of the following methods. Applicants and residents decide which of the following methods is used to certify their status as a victim of a VAWA crime or as someone affiliated with a victim of a VAWA crime.

**Option 1:** When the Owner/ Affordable Housing Advocates responds to a request to exercise protections provided under the VAWA, the Owner/ Affordable Housing Advocates will request that an individual provide HUD approved form *Certification as a Victim of Domestic Violence, Dating Violence, Stalking or Sexual Assault* to certify status as a VAWA victim or as a person affiliated with a VAWA Victim. The person seeking VAWA protections may obtain this form from the property staff or from HUD's web site.

The Owner/ Affordable Housing Advocates understands that the delivery of the certification form to the applicant/resident via mail may place the victim at risk, (e.g., the accused perpetrator may monitor the mail). The Owner/ Affordable Housing Advocates will work with the applicant/resident in making acceptable delivery arrangements.

Alternatively, if the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit written proof of this outreach in lieu of the certification form.

**Option 2:** The Owner/ Affordable Housing Advocates will accept a federal, state, tribal, territorial, or local police record or court record other official record documenting status as a victim of a VAWA crime or a person affiliated with a victim of a VAWA crime as defined in this policy.

**Option 3:** The Owner/ Affordable Housing Advocates will also accept a document signed and attested to by a professional (*employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.*) from whom the person seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse. This document must be signed by the applicant/resident. The signatory attests under penalty of perjury that he/she believes it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking.

Based on HUD's instruction above, the written statement must be signed, dated, and notarized or witnessed, and must include the following language:

*Name of person seeking protections* has worked with me to receive assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse.

*Name of professional providing documentation* believe it is the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking



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*Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 208 (a) (6), (7) and (8). Violation of these provisions are cited as violations of 42 U.S.C. 408 (a) (6), (7) and (8).*

*The information provided above is true and is based on my knowledge of incidents involving domestic violence, dating violence, sexual assault or stalking.*

*Signed and dated by person providing certification: \_\_\_\_\_*

*I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction. In addition, providing false information may prompt the Owner/Delphia Management Corporation to notify HUD and pursue civil action related to fraud based on HUD requirements. I am requesting to exercise protections provided through the VAWA because I am a victim of domestic violence, dating violence, stalking and/or sexual assault (VAWA crimes) or I am a person affiliated with someone who is a victim of a VAWA crime as defined in this document.*

*Signed and dated by person seeking VAWA protections: \_\_\_\_\_*

**Option 4:** If the applicant/resident is currently living in a shelter established to protect victims of violence covered under the VAWA, the Owner/ Affordable Housing Advocates will accept verification of such living arrangement in lieu of certification methods described above.

**Option 5:** If the person seeking VAWA protections cannot provide any of the documents described above, the person should contact the property management staff or the Owner/ Affordable Housing Advocates to discuss acceptable alternatives. If the documents above cannot be provided, the Owner/ Affordable Housing Advocates will be the final decision maker regarding acceptable alternatives.

The victim is not required to name his/her accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of his/her accused perpetrator.

The person seeking VAWA protections will have thirty (30) calendar days from the date of the written request to provide such certification. This certification may be submitted in an equally effective manner, as a reasonable accommodation, if there is the presence of a disability.

If the Owner/ Affordable Housing Advocates receives documentation that contains conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the Owner/ Affordable Housing Advocates will require an applicant or tenant to submit third-party documentation, as described above, within thirty (30) calendar days of the date of the request for the third-party documentation.

To ensure that a person is not wrongly accused of committing an act covered under the VAWA, the Owner/ Affordable Housing Advocates will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

The Owner/ Affordable Housing Advocates will review and respond to requests to exercise protections provided under the VAWA as quickly as possible but within no more than ten (10) business days of receiving all required documentation. The Owner/ Affordable Housing Advocates may provide the response in any manner acceptable



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to the victim and the Owner/ Affordable Housing Advocates. Responses include:

- Approval of the Request for a specific VAWA accommodation
- Denial of the Request for a specific VAWA accommodation
- Request for additional information or Request to Meet

If the request is denied, the person seeking VAWA protections will have the right to appeal. Requests to appeal must be received within ten (10) business days of the date of the denial. When requested, the appeal will be held with someone who was not involved in the original decision to deny. The Owner/ Affordable Housing Advocates will grant a reasonable accommodation when there is the presence of a disability.

### LEASE BIFURCATION

If the Owner/Affordable Housing Advocates determines that physical abuse caused by a resident is clear and present, the law provides the Owner/ Affordable Housing Advocates the authority to bifurcate a lease (*i.e.*, *remove, evict, or terminate housing assistance to any accused perpetrator*), while allowing the victim, who lawfully occupies the home, to maintain tenancy.

The Owner/ Affordable Housing Advocates may attempt to evict the accused perpetrator, but residents should know that state/local tenant/landlord laws prevail and the Owner/ Affordable Housing Advocates must comply with such laws. The Owner/ Affordable Housing Advocates cannot guarantee that a court will award or enforce an eviction.

The resident must keep in mind that eviction of or termination action must be in accordance with the procedures prescribed by federal, state, and local law. The Owner/ Affordable Housing Advocates is committed to attempting to assist the victim and persons affiliated with the victim, however, evictions are generally carried out through the court system and the Owner/ Affordable Housing Advocates cannot override or circumvent a legal decision.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a “remaining household member”.

### LEGAL ACTION

Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, The Owner/ Affordable Housing Advocates may file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the property.

VAWA does not limit the authority of an owner/agent, when notified of a court order, to comply with a court order with respect to:

- The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
- The distribution or possession of property among members of a household.

### TERMINATION OF TENANCY OR TERMINATION OF ASSISTANCE

VAWA does not limit an owner/agent’s authority to deny, evict or terminate assistance to a resident/applicant for any violation that is not the result of an act of domestic violence, dating violence, sexual assault, or stalking.

The Owner/ Affordable Housing Advocates will not subject the resident/applicant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other resident/applicants in determining whether to evict or terminate assistance.

VAWA does not limit an owner/agent’s authority to deny, terminate assistance to or evict a resident/applicant under a covered housing program when the Owner/ Affordable Housing Advocates can demonstrate an actual and imminent threat to other resident/applicants or those employed at or providing service to property of the covered housing provider would be present if that resident/applicant or lawful occupant is not evicted or



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terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the standards provided in the definition of “actual and imminent threat”.

*Note: **Actual and imminent threat** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.*

Determinations about the presence of imminent danger will not be based on stereotypes, but will be tailored to particularized concerns about individual residents.

The Owner/ Affordable Housing Advocates will take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

Any eviction or termination of assistance, will be initiated only when there are no other actions that could be taken to reduce or eliminate the threat. Examples of such action include, but are not limited to:

- Transferring the victim to a different unit when doing so would reduce or eliminate the threat – Also see *Addendum A for information about VAWA Emergency Transfers*,
- Barring the perpetrator from the property,
- Contacting law enforcement to increase police presence,
- Develop other plans to keep the property safe, or
- Seeking other legal remedies to prevent the perpetrator from acting on a threat

### LEASE ADDENDUM

The HUD approves lease addendum will be implemented and provided in accordance with HUD guidance.

### ENSURING EQUAL ACCESS

If you are in need of a reasonable accommodation due to a disability or have difficulty understanding English, please request our assistance and we will ensure that you are provided with meaningful access based on your individual needs.

(Si requieres atención especial por alguna discapacidad, o tienes dificultad para entender inglés, por favor solicita nuestra ayuda y nosotros nos aseguraremos de brindarte la ayuda necesaria con base en tus necesidades individuales.)

**The Owner/** Affordable Housing Advocates *does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.*

*The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development’s regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).*

Name of Section 504 Coordinator:	Kimberly Krynock
Address:	Affordable Housing Advocates, 3 Rathton Road, York PA 17403
Phone Number:	717-846-5139
TDD/TTY Number:	7-1-1



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## **ADDENDUM A: LOCAL ORGANIZATIONS OFFERING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.**

In order to make sure applicants and residents are provided the most up-to-date information, Affordable Housing Advocates recommends they contact PA 2-1-1 for up-to-date resource information on organizations that offer assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

Call 2-1-1, or go to PA 2-1-1 on the internet.

## **ADDENDUM B: OTHER PROPERTIES PROVIDING HUD SUBSIDY AND SUBJECT TO THE RULES PROVIDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT 2013**

Contact	Property	Type	# of bedrs. 1 2 3
G N ASSOCIATES Phone: 717-246-0145	DAIRYLAND APARTMENTS 226 Glenn AVE DALLASTOWN, PA 17313-9625 Phone: 717-246-0145	Elderly	x
Fairville Management Company, LLC	HIGHLAND PARK APARTMENTS 721 S Mountain Rd Dillsburg, PA 17019-8737		x
GREATER HANOVER HOUSING CORPORATION Phone: (717) 632-8081 <a href="mailto:clearviewterrace@embarqmail.com">clearviewterrace@embarqmail.com</a>	CLEARVIEW TERRACE I 800 Randolph ST HANOVER, PA 17331-1730 Phone: 717-632-8081	Elderly	x
GREATER HANOVER HOUSING CORPORATION Phone: (717) 632-8081 <a href="mailto:clearviewterrace@embarqmail.com">clearviewterrace@embarqmail.com</a>	CLEARVIEW TERRACE II 800 RANDOLPH ST HANOVER, PA 17331-1730 Phone: 717-632-8081	Elderly	x
LUTHERAN SOCIAL SERVICES, SOUTH REGION Phone: (717) 235-6895 <a href="mailto:lrebert@lutheranscp.org">lrebert@lutheranscp.org</a>	OAKVIEW MANOR 1880 Oak Hill Drive Hanover, PA 17331-8332 Phone: (717) 630-2754		x
LUTHERAN SOCIAL SERVICES, SOUTH REGION Phone: (717) 235-6895 <a href="mailto:lrebert@lutheranscp.org">lrebert@lutheranscp.org</a>	STRASBURG HAUS 167 LUTHER RD SHREWSBURY TOWNSHIP, PA 17361 Phone: 717-235-7946	Elderly	x
Delphia Management Corporation Phone: 717-846-5139 <a href="mailto:violeny@ahadvocates.org">violeny@ahadvocates.org</a>	HIGHLAND MANOR APARTMENTS 36 HIGHLAND MANOR DR STEWARTSTOWN, PA 17363 Phone: 717-993-6541	Family	x x x
BELL SOCIALIZATION SERVICES, INC. Phone: 717- 848-5767 <a href="mailto:spayne@bellsocialization.com">spayne@bellsocialization.com</a>	BELL HOUSE 238 E COLLEGE AVE YORK, PA 17403-2344 Phone: 717-848-5767	Disabled	x



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WINGATE MANAGEMENT CO. INC. Phone: (781) 707-9100 <a href="mailto:ecallahan@wingatemgmt.com">ecallahan@wingatemgmt.com</a>	CABLE HOUSE 400 E PRINCESS ST YORK, PA 17403-2441 Phone: (717) 854-0507	Family	x x x
Delphia Management Corporation Phone: 717-848-2927 <a href="mailto:sue@ahadvocates.org">sue@ahadvocates.org</a>	CLOVERFIELD KINGSTON HOUSE 1500 Rodney Rd York, PA 17408-9103 Phone: (717) 764-5464	Elderly Disabled	x x
Delphia Management Corporation Phone: 717-843-1064 <a href="mailto:debra@yahadvocates.org">debra@yahadvocates.org</a>	DELPHIA HOUSE 350 EAST PHILADELPHIA ST YORK, PA 17403-1526 Phone: (717) 843-1064	Elderly	x
BELL SOCIALIZATION SERVICES, INC. Phone: 717- 848-5767 <a href="mailto:spayne@bellsocialization.com">spayne@bellsocialization.com</a>	PENN APARTMENTS 130 S. BEAVER ST. YORK, PA 17403-5426 Phone: (717) 848-5767 ext. 506	Disabled	x x
WINGATE MANAGEMENT CO. INC. Phone: (781) 707-9100 <a href="mailto:ecallahan@wingatemgmt.com">ecallahan@wingatemgmt.com</a>	VILLAGE AT YORK 400 EAST PRINCESS STREET YORK, PA 17403-2441	Family	x x
SENCIT PROPERTIES INC Phone: 717-845-2857	YORK TOWNE HOUSE 200 N DUKE ST YORK, PA 17403-1406 Phone: (717) 845-2857	Elderly	x
<b>YORK HOUSING AUTHORITY</b> Phone: 717-845-2601  (Section 8 – Often Private Landlords)	<b>PUBLIC HOUSING and SECTION 8 PROGRAMS</b> Various locations throughout York County	Elderly Family Disabled	x x x +
Delphia Management Corporation Phone: 717-846-5281	Scattered Sites City of York YORK, PA 17401 AND 17403 Phone: 717-846-5281	Family	x x x

The above list was taken from HUD's websites listed below when this policy was prepared. We recommend individuals search the websites when they are conducting their search for up-to-date information on local housing required to follow rules under the VAWA regulations.

<http://www.hud.gov/apps/section8/>

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/pha/contacts](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha/contacts)

