

Plattsburgh Housing Authority Violence Against Women Re-Authorization Act of 2005 (VAWA)

The Violence Against Women Re-Authorization Act of 2005 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking. Specifically, Section 607(2) of VAWA adds the following provision to Section 6 of the U.S. Housing Act of 1937, which lists contact provisions and requirements for the public housing program:

Every contract for contributions shall provide that . . . the public housing agency shall not deny admission to the project to any applicant on the basis that the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any federal, state, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault or stalking.

PHA Confidentiality Requirements

All information provided to the PHA regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

Contacts

PHA Police Officer
Ted K. Center
8 Tyrell Avenue
Plattsburgh NY 12901
518-562-3411

STOP Domestic Violence
22 U.S. Oval
Plattsburgh NY 12901
518-563-6904 or 1-888-563-6904 (outside Plattsburgh area)

National Teen Dating Abuse Helpline
www.loveisrespect.org
1-866-331-9474

National Domestic Violence Hot Line
1-800-799-SAFE(7233) or 1-800-787-3244 (TTY)

Notification of Plattsburgh Housing Authority's Policy on Violence Against Women Reauthorization Act of 2005 (VAWA)

The Violence Against Women Reauthorization Act of 2005 (VAWA) provides that "criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's household, or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights if the tenant or immediate family member of the tenant's family is the victim or threatened victim of abuse". VAWA further provides that incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking, may not be constructed either as serious or repeated violations of the lease by the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

VAWA does not limit the PHA's authority to terminate the tenancy of any tenant if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property.

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

In order to request an accommodation as it relates to VAWA, an individual needs to certify that he/she is a victim of domestic violence, dating violence, sexual assault or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse. The following outlines the requirements to request the accommodations:

Form HUD-50066 Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking is available at Plattsburgh Housing Authority's admin office located at 4817 South Catherine Street if you believe that the VAWA protections apply to you. A resident who is a victim of domestic violence should submit Form HUD-50066 within 14 days after receipt of a written request for documentation by the PHA along with one of the following:

- a) A federal, state, tribal, territorial or local police record or court record;
- b) Documentation signed and attested to by an employee, agent or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

For Additional Information - If you have any questions regarding VAWA, please contact Tammy Langley at the PHA admin office located at 4817 South Catherine Street, or call 518-561-0720 Ext 224.

Definitions

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 cohabitating with or has cohabitated 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 violence laws of the jurisdiction.

The term *dating violence* means 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 relationship shall be determined based on a consideration of the following factors:

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

The term *stalking* means:

- to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass or intimidate; or
- to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
- 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

The term *affiliated individual* means with respect to a person:

- a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
- any other person living in the household of that person and related to that person by blood and marriage.
- any other individual, tenant, or lawful occupant living in the individual's household