

DHHS Housing Subsidy Programs
Notice of Participant Rights under the Violence Against Women Act

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking (“DV”). This notice explains your rights under VAWA.

❖ **Essential Rights:**

1. You cannot be denied assistance because you are or have been a victim of DV.
2. You cannot be denied assistance or terminated from the program because you are or have been a victim of DV.
3. You, or a household member, cannot be denied or terminated from the program solely on the basis of criminal activity directly related to being a victim of DV.
This includes your spouse, parent, brother, sister, or child, or any individual, tenant, or lawful occupant living in your household.

❖ **Removing the Abuser or Perpetrator from the Household**

Upon request, we may remove an individual or terminate the assistance of an individual who is the abuser or perpetrator of DV.

If we choose to remove the abuser or perpetrator, we will not take away the rights of eligible tenants.

If the abuser or perpetrator is the voucher holder (the individual that established eligibility for assistance under the program), we will allow the remaining legally residing tenant is, or has been, a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA.

In removing the abuser or perpetrator from the household, we may ask you for documentation or certification of the incidences of DV.

We may also direct the landlord to remove the individual from the lease.

❖ **Moving to Another Unit**

If the covered tenant wishes to move to a new unit, doing so will not terminate your assistance. In order to approve a request, we may ask you to provide documentation that you are requesting to move because of an incident of DV.

If the request is a request for emergency transfer, we may ask you to submit a written request where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

(1) You are a victim of DV

(2) You expressly request the emergency transfer.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. *This means you have a reason to fear that if you do not receive a transfer, you would suffer violence in the very near future.*

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. *If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.*

The Program’s emergency transfer plan provides further information on emergency transfers, and a copy of our emergency transfer plan is available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

We may ask you to provide documentation to “certify” that you are or have been a victim of DV, dating violence, sexual assault, or stalking. Such request from the program must be in writing, and we must give you at least 14 business days from the day you receive the request to provide the documentation. We may extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HP as documentation.:

- Third Party documentation, such as police reports, protective orders, and restraining orders, etc.
- A signed statement by a provider stating that they believe that the incident or incidents of DV, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that we have agreed to accept.

If you fail, or refuse to provide one of these documents within the 14 business days, we will not provide you with the protections contained in this notice.

Please Note: If we receive conflicting evidence that an incident of DV occurred, we have the right to request that you provide third-party documentation in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, we do not have to provide you with the protections contained in this notice.

❖ Confidentiality

We will keep any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA confidential.

We will not allow any individual to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local laws, service contracts, or upon your written request.

❖ Termination under VAWA

Please be advised: Your assistance can be terminated for serious or repeated violations that are not related to DV committed against you.

We cannot hold participants who have been victims of DV to a more demanding set of rules than it applies to participants who have not been victims of DV.

Your landlord has the right to evict you for serious or repeated violations that are not related to DV committed against you, illegal acts, failure to pay rent, or other violations are stated in your lease. For questions, please refer to your lease or rental agreement.

❖ For Additional Information

Additionally, we must make a copy of HUD’s VAWA regulations available to you if you ask to see them.

For participants with questions regarding VAWA, please contact your local agency.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY).

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact the Sexual Assault Hotline at 1-800-871-7741 (Voice) 711 (Maine Relay)