



Yolo County Housing

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Violence Against Women Act (VAWA) Notice

To All Public Housing Residents and Housing Choice Voucher Program Participants

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, sexual assault and stalking. The name of the law is the **Violence Against Women Act, or "VAWA"**, and was reauthorized in 2013. This notice is being provided to ALL public housing tenants and Housing Choice Voucher (HCV) program participants and explains your rights under VAWA.

Protections for Victims

If you are eligible for public housing or the HCV program, Yolo County Housing (YCH) cannot refuse to admit you to the public housing or HCV program solely because you are a victim of domestic violence, dating violence, stalking or sexual assault.

If you are a victim of domestic violence, dating violence, stalking or sexual assault, YCH cannot evict you or terminate you from the HCV program based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, stalking or sexual assault that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.

Reasons You Can Be Evicted or Your Voucher Can Be Terminated

You can be evicted and/or your rental assistance can be terminated if Yolo County Housing and/or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property (including YCH staff) if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the acts of domestic

violence, dating violence, stalking or sexual assault committed against you. YCH and your landlord cannot hold you to a more demanding set of rules than they apply to tenants who are not victims.

Removing the Abuser from the Household - Public Housing

YCH may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the public housing unit. If YCH chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, YCH must follow federal, state, and local eviction procedures.

Removing the Abuser from the Household - HCV (Section 8)

Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing you and the other members of your household to stay in the unit. Also, YCH can terminate the abuser's rental assistance while allowing you to continue to receive assistance. If your landlord or YCH chooses to remove the abuser, they may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

Moving to Protect Your Safety

YCH may permit you to move and still keep your rental assistance even if your current lease has not yet expired. YCH may require that you be current on your rent or other obligations in their housing programs. YCH may ask you to provide proof that you are moving because of incidences of abuse.

Proving that You Are a Victim of Domestic Violence, Dating Violence, Stalking or Sexual Assault

YCH and/or your landlord can ask you to provide or "certify" that you are a victim of domestic violence, dating violence, stalking or sexual assault. YCH or your landlord must give you at least 14 business days to provide this proof. YCH and/or your landlord is free to extend the deadline. There are three ways you can provide proof that you are a victim:

- Complete the certification form given to you by YCH. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, stalking or sexual assault. The professional must state that they believe that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury".
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within 14 business days, YCH and/or your landlord can choose to evict you if you have violated your lease or program obligations.

Confidentiality

YCH and your landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to YCH or your landlord to release the information.
- YCH or your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires YCH or your landlord to release the information.

You should inform YCH if your safety will be placed at risk if YCH discloses information about the violence against you.

VAWA and Other Laws

VAWA does not limit YCH or your landlord's duty to honor court orders about access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, stalking or sexual assault.

For Additional Information

If you have any questions regarding VAWA, please contact Yolo County Housing at 530-662-5428.

For help and advice on escaping an abusive relationship, call:

**Empower Yolo 24/7 Crisis Line
530-662-1133 or 916-371-1907**

**National Domestic Violence Hotline at 1-800-799-SAFE (7233) or
1-800-787-3224 (TTY)**

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines “**domestic violence**” as felony or misdemeanor crimes of violence committed by:

- 1) A current or former spouse of the victim;
- 2) A person with whom the victim shares a child in common;
- 3) A person who is cohabitating with or has cohabitated with the victim as a spouse;
- 4) A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies;
- 5) 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.

VAWA defines “**dating violence**” as violence committed by a person--

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; **AND**
- B. Where the existence of such a relationship shall be determined based on a consideration of the following factors
 - a. The length of the relationship.
 - b. The type of relationship.
 - c. The frequency of interaction between the persons involved in the relationship.

VAWA defines “**stalking**” as:

- to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; **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 death of, or serious bodily injury to, or to cause substantial emotional harm to-

- that person;
- a member of the immediate family of that person; or
- the spouse or intimate partner of that person.

VAWA defines “**sexual assault**” as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (42 U.S.C. 13925 (a)).