

**THE HOUSING AUTHORITY OF THE COUNTY OF COOK  
VIOLENCE AGAINST WOMEN ACT POLICY**

**I. Purpose and Applicability**

The purpose of this policy (hereinafter called “policy”) is to implement the applicable provisions of the Violence Against Women Act (hereinafter called “VAWA”) and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) and more generally to set forth HACC’s policies and procedures regarding domestic violence, sexual violence, dating violence, or stalking, as well as their family and household members.

This Policy shall be applicable to the administration by HACC of the Section 8 Housing Choice Voucher, Public Housing and the Section 8 Project-based programs under the United States Housing Act of 1937. Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims, as well as female victims of such violence.

**II. Confidentiality**

HACC places a high priority on the confidentiality and privacy rights of all applicants and residents, including victims of domestic violence, sexual violence, dating violence, or stalking, as well as their family and household members.

- A. *Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, sexual violence, dating violence, or stalking, provided to HACC shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:
  - 1. requested or consented to by the individual in writing, or
  - 2. required for use in a Public Housing or Section 8 Project-based site eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA, or
  - 3. Necessary to provide a wait list priority, where applicable.
  - 4. otherwise required by applicable law.
  
- B. *Notification of rights.* All tenants of public housing and tenants participating in the Section 8 tenant or project-based rental assistance programs administered by HACC shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality. All applicants who provide information to HACC regarding this protection for the purpose of establishing any preferences, will be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.
  
- C. *Rights and obligations of HACC:* If such information is received from any source, HACC shall keep all records, corroborating evidence, or other information that

sealed file, not made part of the resident or applicant's file. Additionally, HACC preserves the right to provide or share non-personally-identifying information/data in the aggregate regarding client demographics and client services.

### **III. Other Policies or Procedures**

This Policy shall be referenced in and attached to HACC's Five Year and Annual Agency Plan. To the extent any provision of this policy shall vary or contradict any previously adopted policy or procedure of HACC, the provisions of this Policy shall prevail.

### **IV. Definitions**

As used in this Policy:

- A. *Domestic Violence* - 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 cohabiting with or has cohabited 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 or family violence laws of the jurisdiction.
  
- B. *Sexual Violence* – The term 'Sexual Violence' also means 'sexual assault' and is defined as any type of sexual contact or behavior that occurs without the explicit consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual violence or sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted or "statutory rape" , as defined under the laws of this jurisdiction.
  
- C. *Dating Violence* – means violence omitted by a person –
  - a) Who is or has been in a social relationship or 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:
    - 1. The length of the relationship.
    - 2. The type of relationship.
    - 3. The frequency of interaction between the persons involved in the relationship.
  
- C. *Stalking* – means -
  - A. (i) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under

- B. 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 –
  - i. That person;
  - ii. A member of the immediate family of that person, or
  - iii. The spouse or intimate partner of that person;

D. *Immediate Family Member* – means , with respect to this Policy only, to a person

- a) A spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands *in loco parentis*; or
- b) Any other person living in the household of that person and related to that person by blood or marriage.

E. *Perpetrator* – means person who commits an act of domestic violence, sexual violence, dating violence or stalking against a victim.

## V. Admissions and Screening

- A. *Non-Denial of Assistance*. HACC will not deny admission to the Section 8 Housing Choice Voucher program, Public Housing, or a Section 8 Project-based program to any person because that person is or has been a victim of domestic violence, sexual violence, dating violence or stalking, provided that such person is otherwise qualified for such admission.
- B. *Admission Preference*. Public Housing applicants will receive a preference in admissions if the applicant family is residing in a public or private shelter as a result of domestic violence, and has had actual or threatened physical violence directed against the applicant or the applicant’s family by a spouse or other household member who was living in the previous unit with the family.
- C. *Transfer Preferences*. Public Housing and Section 8 Housing Choice Voucher Program residents will receive a priority transfer as specified in HACC’s Admissions and Continued Policy (ACOP) if the resident family is residing in a public housing or in an assisted housing and is the victim of such domestic violence, and has had actual or threatened physical violence directed against the applicant or the applicant’s family by a spouse or other household member who was living in the unit with the family.

- D. *Portability* - As applicable only in the Section 8 Housing Choice Voucher Program – a resident may be allowed to port out to another jurisdiction, even if the lease term has not been completed, if the resident family is residing in an assisted housing and is the victim of such domestic violence.

The actual or threatened violence must have occurred within the past 6 months prior to certification of said need by the family, or at the time of certification or initial screening, or be of a continuing nature. Domestic violence will be considered “continuing” if the applicant or resident family provides medical records, police reports, a temporary or permanent restraining order or other court protection document, or a statement from a qualified domestic violence social worker documenting repeated abuse and the most recent episode was not more than six (6) months prior to the date that HACC is certifying the applicant for initial assistance, or the family is certifying the need for transfer.

## **VI. Termination of Tenancy or Assistance**

- A. VAWA Protections: Under VAWA, public housing applicants and residents, and persons assisted under the Section 8 Housing Choice Voucher and Section 8 Project-based programs have the following specific protections, which will be observed by HACC.
1. An incident or incidents of actual or threatened domestic violence, dating violence, sexual violence or stalking will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.
  2. In addition to the foregoing, tenancy or assistance will not be terminated by HACC as a result of criminal activity, if that criminal activity is directly related to domestic violence, sexual violence, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the tenant’s control, and the tenant or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
    - a) Nothing contained in this paragraph shall limit or curtail any otherwise available authority of HACC or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance, as the case may be for any violation of a lease or program requirement not premised on the act or acts of domestic violence, sexual violence, dating violence or stalking in question against the tenant or a member of the tenant’s household. However, in taking any such action, neither HACC nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic

- b) Nothing contained in this paragraph shall be construed to limit the authority of HACC or a Section 8 manager or owner to evict or terminate from assistance any tenant or applicant if the owner, manager or HACC, as the case may be, can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.
- B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph VI.A.2 above, or Federal, State or local law to the contrary, HACC or a Section 8 owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights or termination of assistance shall be effected in accordance with the policies and procedures provided for in the ACOP. Leases at the option of Section 8 owners or managers, leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by HACC shall contain provisions setting forth the substance of this paragraph.

## **VII. Verification of Domestic Violence, Sexual Violence, Dating Violence or Stalking**

- A. *Requirement for Verification- Section 8 Voucher Program:* The law allows, but does not require, a Section 8 owner or manager to verify that an incident or incidents of actual or threatened domestic violence, sexual violence, dating violence or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this Policy. HACC shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by HACC. Section 8 owners or managers receiving rental assistance administered by HACC may elect to require verification, or not to require it as permitted under applicable law. Verification of a claimed incident or incidents of actual or threatened domestic violence, sexual violence, dating violence or stalking may be accomplished in one of the following three ways:
  - 1. *HUD-approved form* – (HUD form 50066)—by providing to HACC a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, sexual violence, dating violence or stalking; that the incident or incidents in questions are bona fide incidents of actual or

2. *Police or court record* – by providing to HACC or Section 8 manager or owner a Federal, State, tribal, territorial, or local police report, or court record, including copy of temporary or permanent order of protection, no contact order, or other order of a court still in force.
  3. *Other Documentation* –by providing to HACC or to the requesting Section 8 owner or manager documentation signed by an employee, agent, or volunteer or a victim service provider or domestic or rape crisis organization, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, sexual violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the definitions set forth in this Policy. The victim of the incident or incidents of domestic violence, sexual violence, dating violence or stalking must also sign and attest to the documentation under penalty of perjury.
- B. *Time allowed to provide verification and failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, sexual violence, dating violence or stalking and who is requested by HACC or by Section 8 manager or owner to provide verification, must provide such verification within 14 business days after receipt of the request for verification. Failure to provide verification, in proper form as provided for in this Policy, and within such time will result in loss of protection under VAWA and this Policy against a proposed adverse action.
- C. *Waiver of verification requirement.* The Executive Director or Designee may, with respect to any specific case, waive the above stated requirements for verification and provide the benefits of this Policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director or Designee. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

#### **VIII. Court Orders/Family Break-up**

- A. *Court Orders.* It is HACC's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by HACC. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of

## **IX. Relationships with Service Providers**

It is the policy of HACC to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If HACC staff becomes aware that an individual assisted by HACC is a victim of domestic violence, sexual violence, dating violence or stalking, HACC will refer the victim to such providers of shelter or services as appropriate. This policy does not create any legal obligation requiring HACC either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence or to make referral in any particular case.

## **X. Amendment**

This Policy may be amended from time to time by the Executive Director, as approved by HACC's Board of Commissioners.