

## VAWA and Your Rights as a Housing Choice Voucher Participant

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>1</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Boulder Housing Partners' Housing Choice Voucher (HCV) Program** is in compliance with VAWA. This notice outlines the rights under VAWA. [For more detailed information, please ask for HUD form 5380.](#)

### Protections for Participants

If you are receiving assistance under **Boulder Housing Partners' Housing Choice Voucher Program**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

### Removing the Abuser or Perpetrator from the Household

The landlord may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

### Moving to Another Unit

Upon your request, the landlord and/or BHP's Housing Choice Voucher Program may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, you may be asked to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

1. **You are a victim of domestic violence, dating violence, sexual assault, or stalking.**
2. **You expressly request the emergency transfer from your landlord and the HCV Program.**
3. **You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. 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.**

Requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families will be kept confidential.

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

BHP may, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from BHP must be in

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<sup>1</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

writing, and BHP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. BHP may, but does not have to, extend the deadline for the submission of documentation upon your request. If you fail or refuse to provide one of these documents within the 14 business days, BHP does not have to provide you with the protections contained in this notice.

### **Confidentiality**

BHP must keep confidential any information you provide related to the request under VAWA, including the fact that you are exercising your rights under VAWA.

### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted, and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. The protections described in this notice might not apply, and you could be evicted, and your assistance terminated, if BHP and/or your landlord can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1. Would occur within an immediate time frame, and
2. Could result in death or serious bodily harm to other tenants or those who work on the property.

If BHP and/or your landlord can demonstrate the above, BHP and/or your landlord should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

### **Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violation of these rights and seek additional assistance, if needed, by contacting or filing a complaint with Boulder Housing Partners or the Denver HUD field office.

### **For Additional Information**

You may view a copy of HUD's final VAWA rule at

<https://portal.hud.gov/hudportal/documents/huddoc?id=5720-F-03VAWAFinRule.pdf>

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

For questions regarding VAWA, please contact **Boulder Housing Partners Housing Choice Program Manager at 720-564-4610.**

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). You may also contact **Safehouse Progressive Alliance for Non-Violence at 303-449-8623 or St. Vrain Safe Shelter at 303-772-4422.**

For tenants who are or have been victims of stalking seeking help, they 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 **Safehouse Progressive Alliance for Non-Violence at 303-449-8623 or St. Vrain Safe Shelter at 303-772-4422.**

Victims of stalking seeking help may contact **Safehouse Progressive Alliance for Non-Violence at 303-449-8623 or St. Vrain Safe Shelter at 303-772-4422.**