

April 2007

Section 8 News

Office Hours & Location

- 7:45 a.m.— 4:30 p.m. (M-F)
Closed on all State Holidays
- 1002 N. School Street
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Contact us

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MISSION STATEMENT

To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination

Complying with the Violence Against Women Act

In 2005 the U.S. Senate and House of Representatives passed the Violence Against Women Act (VAWA) and it was signed into law on January 2006 by President Bush. It became known as the Violence Against Women and Department of Justice Reauthorization Act of 2005 and technical amendments were made on August 12, 2006. Portions of this law create new protections for residents of public housing and those who are assisted with Section 8 rental assistance vouchers when they become victims of domestic violence, dating violence and stalking.

The following is a brief summary of the principal provisions of the new law. The information in this notice is intended to inform you of your rights and responsibilities under VAWA. If you have further questions, please consult your attorney. The Public Housing Authority (PHA) cannot give legal advice.

Selection of tenants and/or program participants: The law prohibits landlords/owners/managers of Housing Choice Voucher (HCV) properties from refusing to lease to persons who are, or have been, victims of domestic violence, dating violence, or stalking, when the applicant is otherwise a qualified applicant.

Lease Terms Regarding Termination: If a tenant is the victim of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking, those incidents may not be construed as a serious or repeated violation of the lease by the victim or the threatened victim of the violence, and shall not be good cause for terminating the tenancy or occupancy rights of the victim of such violence or threatened violence. Likewise, the PHA may not terminate the assistance of such a victim.

Termination of Assistance/Eviction: Criminal activity directly relating to domestic violence, dating violence, 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 an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

Termination of Assistance by HPHA: Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant, or immediate member of the participant's family who is a victim of the domestic violence, dating violence, or stalking. If the perpetrator is a member of the victim's household, VAWA authorizes the PHA to terminate the assistance to a participant in the Section 8 program, who engages in criminal acts of physical violence against family members or others. This action may be taken against the individual alone, without evicting, terminating the tenancy of, removing, denying assistance to, or otherwise penalizing other household members.

Continued

What the landlord/owner/manager can do:

- ⇒ The landlord/owner/manager may “bifurcate” the lease to evict a leaseholder who engages in criminal acts of violence as described above to family members or others without evicting the victimized lawful occupants.
- ⇒ The landlord/owner/manager may honor court orders regarding rights of access or control of the property.
- ⇒ The landlord/owner/manager may evict tenants for other good cause unrelated to the incident or incidents of domestic violence, provided that the victim is not subject to a “more demanding standard” than non-victims.
- ⇒ The landlord/owner/manager may evict if it can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the tenant is not evicted.

Certification

If a tenant claims they are victim of domestic violence, dating violence or stalking, the landlord/owner/manager may request that the tenant certify via a HUD approved certification for (HUD Form 50066), that the individual is a victim of domestic violence, dating violence, or stalking. The certification for (a) requires the individual signing it to certify that she or he is the victim of “bona fide” incidents of actual or threatened domestic violence, dating violence, or stalking, as defined and described in VAWA. (b) must include the name of the perpetrator. (c) must be provided within fourteen (14) business days unless PHA or the landlord/owner/manager requesting the form extends the deadline. The HUD approved certification for HUD 50066 may be obtained at www.hudclips.org.

Confidentiality

Information provided by the victim about any incident or incidents of domestic violence, dating violence or stalking involving the victim or a member of their household will be held by PHA and the landlord/owner/manager in confidence and not entered into any shared database nor provided to any related entity except when the victim or member of their household has: 1) consented to the disclosure in writing; 2) the disclosure is required for use in an eviction proceeding; or 3) the disclosure is otherwise required by applicable law.

N. Schumacher

**For complete text of VAWA see Public Law 109-162 (Specifically, Title VI, Sections 606 and 607)
For more information about domestic violence resources, please contact:
Hawaii Domestic Violence and Clearinghouse Hotline: (808) 531-3771 or www.stoptheviolence.org
National Domestic Violence Hotline: (800) 799-7233 (SAFE) or (800) 787-3224 (TTY)**