

The Housing Authority of Cook County (HACC)
Notice of Occupancy Rights under the Violence Against Women Act¹

To all Participants and Applicants

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.² The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the **Housing Choice Voucher Program**, including the Project-based Voucher Program (hereinafter referred to collectively as “HCV”), is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

Protections for Applicants

If you otherwise qualify for assistance under the **HCV Program**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Participants

If you are receiving assistance under the **HCV 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.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under the **HCV Program** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

The HACC may divide (bifurcate) your voucher in order to 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.

If the HACC chooses to remove the abuser or perpetrator, the HACC may not take away the rights of eligible participants in the voucher household or otherwise punish the remaining eligible participants. If the abuser or perpetrator was the sole participant to have established eligibility for assistance under the program, the HACC must follow HUD guidelines for termination of assistance. Unauthorized tenants residing with the perpetrator or guests of the perpetrator are not eligible for continued assistance under the HCV Program.

¹ Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

² 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.

In removing the abuser or perpetrator from the household, the HACC must follow HUD guidelines for termination of assistance. In order to divide your voucher, the HACC may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, the HACC 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, the HACC may ask you 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 an emergency move under the HCV Program or emergency transfer to another Project-based Voucher (PBV) unit, 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.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer to another PBV unit.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (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 a move to another unit or an emergency transfer to another PBV unit because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for a move to another unit or an emergency transfer to another PBV unit 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 move to another unit or transfer to another PBV unit.

The HACC will keep confidential requests for moves to other units or emergency transfers to other PBV units by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

The HACC's emergency move plan provides further information on emergency moves and emergency transfers to another PBV unit, and the HACC must make a copy of its emergency move plan 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

The HACC can, 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 the HACC must be in writing, and the HACC 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. The HACC may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to the HACC as documentation. It is your choice which of the following to submit if the HACC asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by the HACC with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that the HACC has agreed to accept.

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

If the HACC receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the HACC has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, the HACC does not have to provide you with the protections contained in this notice.

Confidentiality

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

The HACC must not allow any individual administering assistance or other services on behalf of the HACC (for example, employees and contractors) 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 law.

The HACC must not enter your information into any shared database or disclose your information to any other entity or individual. The HACC, however, may disclose the information provided if:

- You give written permission to the HACC to release the information on a time limited basis.
- HACC needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the HACC or your landlord to release the information.

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

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

Your assistance can be terminated for violations of the HCV Program regulations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, the HACC cannot hold participants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to participants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and your assistance may be terminated, if the HACC can demonstrate that not 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 the HACC can demonstrate the above, the HACC should only terminate your assistance 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 violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with:

**Department of Housing and Urban Development
Chicago Field Office
77 W. Jackson Blvd.
Chicago, IL 60604-3507**

For Additional Information

You may view a copy of HUD's final VAWA rule at www.gpo.gov. See **Violence Against Women Act (VAWA) final rule**.

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

For questions regarding VAWA, please contact **Rebeca Argandona, Compliance Analyst, at (312) 663-5460 or by email at rargandona@TheHACC.org**.

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 **Illinois Domestic Violence 24 Hour Helpline at (877) 863-6338**.

For persons 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 **Illinois Coalition Against Sexual Assault at (217) 753-4117**.

Victims of stalking seeking help may contact **Cook County State's Attorney Office- Domestic Violence Division at (312) 325-9220**.

To report a crime of domestic violence, dating violence, sexual assault, or stalking, contact your local police department by dialing 911.

Attachment: Certification form HUD-5382