



City of Flagstaff Housing Authority
3481 N. Fanning Dr.
Flagstaff AZ 86004
928-213-2730



**Notice to Participants and Applicants of their Rights and Responsibilities
Under the Violence Against Women Act of 2005 (VAWA)**

The federal government recently passed a law known as the Violence Against Women Act of 2005 (VAWA), which requires all Public Housing Authorities to notify persons participating in the Housing Choice Voucher and the Low Rent Public Housing programs about important protections for victims of domestic violence, dating violence, sexual assault or stalking. This law protects victims of these crimes from having their rental assistance terminated or application denied because of violence related to these crimes.

As a participant or an applicant of a federally funded housing rental assistance program, you have certain rights if you are the victim of such an incident. An important protection provided by VAWA is that incidents of domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease and will not be good cause for terminating your tenancy or occupancy rights, or denying your application.

This notice outlines your protections and your responsibilities. Please read this notice carefully. If you have any questions concerning this matter, please call the City of Flagstaff Housing Authority at 928-213-2730.

**NOTICE OF PROTECTION
VIOLENCE AGAINST WOMEN ACT OF 2005**

As a participant or an applicant in the City of Flagstaff Housing Authority (CFHA) public housing or Section 8 Housing Choice Voucher program, you have a right to continued access to rental assistance and to continue living in your assisted rental unit unless you do something that gives the landlord or CFHA “good cause” to evict you or terminate you from the program.

This notice provides basic information about your rights under the Violence Against Women Act of 2005 (VAWA).

Why are you being notified of your right against eviction, denial or termination without “good cause” in cases of domestic violence, dating violence, sexual assault or stalking?

The federal regulations for the Section 8 Housing Choice Voucher or Public Housing programs require protection against eviction and termination or denial of program rental assistance without “good cause”. The Violence Against Women Act of 2005 (VAWA) requires CFHA to notify you of your housing rights in the event you are a victim of domestic violence, dating violence, sexual assault or stalking.

What is “good cause” for the landlord to evict or CFHA to deny or terminate housing assistance?

It is difficult to provide a specific list of “good causes” for landlords or CFHA to evict residents. However, the landlord would have “good cause” if you commit a serious or repeated violation of the terms of your lease. CFHA would have “good cause” to deny admission to the program or terminate rental assistance if you fail to meet program qualifications or violate your family obligations, or if you commit a serious or repeated violation of the terms of your lease. Some examples of what might be considered good cause are failure to pay rent on time, failure to cooperate with legal reexamination requirements, having unauthorized persons living with you, engaging in illegal activity or criminal activity.

However, VAWA protects a victim from being evicted, denied admission to the program, or terminated from the program based on incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking. The law says that incidents of such violence cannot be counted as a “serious or repeated violation of the lease” or “good cause” for evicting, denying program admission, or terminating rental assistance for the victim. Also, criminal activity “directly relating” to such violence cannot be the basis of an eviction, denial, or termination.

Does this mean that a victim of domestic violence, dating violence, sexual assault or stalking cannot be evicted from a unit, denied admission or terminated from the program at all?

No. If a victim engages in criminal activity or other lease violations not related to the abuse, she or he may be evicted from a unit, denied admission to the program, or have rental assistance terminated, as long as the landlord and Housing Authority do not hold her or him to a higher standard than other tenants.

Can the abuser or stalker be evicted?

Yes. The law allows the landlord to evict the perpetrator of domestic violence, dating violence, sexual assault or stalking without penalizing the victim of the incident. CFHA may deny admission or terminate the perpetrator’s participation in the program. In addition, CFHA may terminate your rental assistance if the perpetrator has been residing in your unit without prior approval, or continues to reside in your unit after being removed from your household due to an incident of domestic violence, dating violence, sexual assault or stalking.

Can CFHA ask you to provide “proof” that you are a victim?

Yes, if you are claiming protection from an eviction, CFHA will require you to provide “certification” of the violence. By law, you are not required to have a restraining order or protective order, or to have called the police. You can meet this requirement by providing a record of an administrative or documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a mental health professional or a medical professional, a court record, a police record whom the victim has sought assistance in addressing the domestic violence, dating violence, sexual assault or stalking. The certification must include the name of the perpetrator.

If you are providing a statement from a victim service provider, medical professional or lawyer who was asked to help you in addressing the violence, the individual providing the statement must state under penalty of perjury that he or she believes that the incident or incidents are bona fide incidents of abuse. You must also sign or attest to the statement.

If CFHA requests you to provide proof, you will have at least 14 business days to provide the certification. CFHA has a form, which will be given to you to complete and return. If you do not provide the certification by the deadline, CFHA may initiate denial or termination proceedings.

Will information you provide be kept confidential?

Yes. CFHA must keep information about abuse confidential, including the fact that you are a victim of domestic violence, dating violence, sexual assault or stalking. CFHA may disclose the information if you request or agree to the disclosure in writing, if the information is required for use in an eviction proceeding, or if the disclosure is otherwise required by law.

What if you need to move or transfer to another unit because of the violence?

The Violence Against Women Act does not give you the right to break a lease. You may be eligible for a transfer if you have complied with all other eligibility requirements.

Whom should you contact if you have more questions?

Please contact your Housing Services Administrator at 928-213-2730

COPY FOR YOUR RECORDS