

Fairport Urban Renewal Agency (FURA)

Notice of Occupancy Rights under the Violence Against Women Act

To all Tenants 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. This notice explains your rights under VAWA. The certification form attached to this notice can be filled out 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 FURA 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 Tenants

If you are receiving assistance under FURA, 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 FURA 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, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

When a member of the household engages in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, the owner may remove the abuser or perpetrator from the lease (i.e., bifurcate the lease) without affecting the occupancy rights of the victim.

Any bifurcation must be carried out in accordance with any requirements or procedures required by Federal, State, or local law for termination of assistance in leases and in accordance with the requirements of the applicable housing program.

If the owner removes the abuser or perpetrator through bifurcation, and that person was the sole tenant to have established eligibility for assistance under the program, the owner must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

Before bifurcating a lease, an owner may, but is not required to, ask the tenant for documentation or certification of the incidence of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, FURA 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, FURA 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 emergency transfer, FURA 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 (HUD Form 5383).

Qualifying criteria

You are a victim of domestic violence, dating violence, sexual assault, or stalking, you expressly request the emergency transfer, 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.

FURA will keep confidential 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. FURA's emergency transfer plan provides further information on emergency transfers, and FURA must make a copy of its emergency transfer 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

FURA may 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 FURA must be in writing, and FURA 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. FURA 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 FURA as documentation.

- A completed certification form (attached HUD form 5382) 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.
- 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.

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

If FURA 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), FURA 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, FURA does not have to provide you with the protections contained in this notice.

Confidentiality

FURA 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.

FURA must not allow any individual administering assistance or other services on behalf of FURA (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.

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

- You give written permission to FURA to release the information on a time limited basis.
- FURA 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 FURA or your landlord to release the information.

VAWA does not limit FURA'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

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. However, FURA cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who are not eligible for tenancy rights under VAWA.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if FURA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that would occur within an immediate time frame, and could result in death or serious bodily harm to other tenants or those who work on the property.

If FURA can demonstrate the above, FURA 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 violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Buffalo HUD Offices.

For Additional Information

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

Resources

- National Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3224 (TTY).
- National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.
- New York State 24-Hour Domestic & Sexual Violence Hotlines: English (800) 942-6906, Spanish (800) 942-6908
- Willow Domestic Violence Center: 24-hr Hotline (585) 222-SAFE
- Lifespan NY Elder Abuse Coalition: 1-866-454-5110
- Alternatives for Battered Women: (585) 232-7353
- Monroe County's Victim's Assistance: (585) 753-4389
- Resolve of Greater Rochester: (585) 425 1580
- RPD Victim Assistance: (585) 428-6630
- Catholic Family Center: (585) 546-7220
- The Legal Aid Society of Rochester, NY: (585) 232-4090
- Safe Journey: (585) 425-1580

Attachment: Certification form HUD-5382