MSHDA
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY

EMERGENCY SOLUTIONS GRANT (ESG)

Notice of Occupancy Rights under the Violence Against Women Act (VAWA)

To all Applicants and Tenants

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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. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the MSHDA Emergency Solutions Grant (ESG) Program is in compliance with VAWA. This notice explains your rights under VAWA. If you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and you wish to use your rights under VAWA, please ask your Housing Assessment and Resource Agency (HARA) and/or housing assistance provider to sign HUD Form-5382.

Protections for Applicants

If you otherwise qualify for assistance under the MSHDA program listed above, 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 the MSHDA program listed above, 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 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.

Moving to Another Unit

Upon your request, the HARA and/or housing assistance provider 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 HARA and/or housing assistance provider 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, the HARA and/or housing assistance provider may ask you to submit a written request or fill out a form where you certify that you meet criteria 1 or 2 listed below for an emergency transfer under VAWA.

1) **A. You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If the HARA and/or housing assistance provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, the HARA and/or housing assistance provider may ask you for such documentation, as described in the documentation section below.
   B. You expressly request the emergency transfer. The HARA and/or housing assistance provider may choose to require that you submit a form or may accept another written or oral request.
   C. 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.

2) **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 an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer 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 transfer.

The HARA and/or housing assistance provider will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, assault, or stalking, and the location of any move by such victims and their families. The community's emergency transfer plan provides further information on emergency transfers, and they must make a copy of its emergency transfer plan available to you if you ask to see it.

Removing the Abuser or Perpetrator from the Household

The landlord may divide (bifurcate) your lease in order to evict the individual and the HARA and/or housing assistance provider may 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 your landlord and/or HARA/housing assistance provider chooses to remove the abuser or perpetrator, they may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the HARA/housing assistance provider and/or your landlord 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. In removing the abuser or perpetrator from the household, the landlord must follow Federal, State, and local eviction procedures. In order to divide a lease, the landlord may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

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

The HARA and/or housing assistance provider 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 requests must be in writing, and the HARA and/or housing assistance provider 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 HARA and/or housing assistance provider 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 HARA and/or housing assistance provider as documentation. It is your choice which of the following to submit if they ask 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 HARA and/or housing assistance provider 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 HARA and/or housing assistance provider has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, the HARA and/or housing assistance provider does not have to provide you with the protections contained in this notice.

If the HARA and/or housing assistance provider 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), they have 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, they do not have to provide you with the protections contained in this notice.

Confidentiality

The HARA and/or housing assistance provider 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 HARA and/or housing assistance provider must not allow any individual administering assistance or other services on behalf of them (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 HARA and/or housing assistance provider must not enter your information into any shared database or disclose your information to any other entity or individual. The HARA and/or housing assistance provider, however, may disclose the information provided if:

- You give written permission to the HARA and/or housing assistance provider to release the information on a time limited basis.
- The HARA and/or housing assistance provider need 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 HARA and/or housing assistance provider, or your landlord to release the information.

VAWA does not limit the HARA and/or housing assistance providers 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, the HARA and/or housing assistance provider 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 have not been victims of domestic violence, dating violence, sexual assault, or stalking. The protections described in this notice might not apply, and you could be evicted, and your assistance terminated, if the landlord can demonstrate that not evicting you or the HARA and/or housing assistance provider 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 above can be demonstrated, the HARA and/or housing assistance provider should only terminate your assistance and the landlord should only 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 violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the HUD Detroit Field Office at 1–800–955–2232.

For Additional Information

You may view a copy of HUD's final VAWA rule at *https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf.* Additionally, the HARA and/or housing assistance provider must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact your assigned MSHDA Homeless Assistance Specialist at https://www.michigan.gov/mshda/-/media/Project/Websites/mshda/homeless/contact-lists/Homeless-Assistance-Specialist-Map.pdf. 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 Michigan 211 for local resources.

For tenants 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://victimsofcrime.org/.

For help regarding sexual assault, you may contact the National Sexual Assault Hotline operated by RAINN at 1–800–656–HOPE.

Victims of stalking seeking help may contact the Victim Connect Resource Center at 1–855–484–2846.

* Adapted from form HUD-5380 – Notice of Occupancy Rights under the Violence Against Women Act

The Michigan State Housing Development Authority is committed to providing meaningful access. For reasonable accommodations, modifications, translation, interpretation, or other services, please contact 517-241-0809 or email MSHDA-HS@michigan.gov.