

Raleigh Housing Authority
Victims of Domestic Violence Policy
(Reauthorized 2013)

Overview

The Violence Against Women Act of 2005 (VAWA) was reauthorized effective immediately. This Act covers both the public housing and Housing Choice Voucher (HCV) programs administered by the Raleigh Housing Authority (RHA). VAWA 2013 expanded these protections to cover the tax credit program. The State of North Carolina also has protections that cover all housing types, not just federally assisted housing. VAWA provides protections for victims of domestic violence, dating violence, stalking, or sexual assaults to prevent them from losing housing as a result of being a victim (hereafter referred to collectively as “domestic violence”). This protection also extends to immediate family or other individuals residing in the household. Immediate family is defined as a spouse, parent, brother, sister or child of the victim, or an individual to whom that person stands in loco parentis; or any other person residing in the unit that is in a social relationship of a romantic or intimate nature with the victim.

Implementation Plan

In 2006, RHA mailed or hand delivered notification to all HCV households and public housing addresses to inform them of the protections provided under VAWA. RHA also mailed a notification to existing landlords to inform them of their obligations under VAWA. Since that time, RHA has continued to inform new move-ins to public housing and families receiving a voucher to make them aware of the VAWA protections. RHA posts information in management offices and waiting rooms to make housing participants and applicants aware of their option to seek protections if they are victims of domestic violence.

RHA strictly enforces its lease agreement in areas of criminal activity, disruptions to the neighborhood, and property damage. In most cases RHA does not know if a person is a victim of domestic violence unless the victim reports this to the Agency. It is the obligation of the victim, applicant, or victim’s advocate to make this status known to RHA. At anytime it is made known to RHA that a participant or applicant is a victim of domestic violence, RHA will pause its negative action to allow the victim the time needed to provide documentation of the abuse.

Documentation of Domestic Violence

RHA will provide, in writing, HUD form 50066 to be completed by the victim within 14 business days or the victim may choose to submit third party documentation. Third party documentation may include local law enforcement records, documentation signed by the victim and an employee, agent of a victim service provider, an attorney, medical or mental health professional from which the victim has sought assistance. The professional attests under penalty of perjury (28 U.S.C. 1746) that he or she believes the incidence of domestic violence is grounds for protection under VAWA regulations. If the victim does not return the HUD 50066 or the third party verification within 14 business days or secure an extension from RHA, the victim cannot be assured of receiving VAWA protections. Once the HUD form

or third party verification is provided, RHA will not seek additional evidence from the victim. All of the information will be treated confidentially and will not be shared with any other entity or individual.

Assistance for Victims

Each situation is different and victims of domestic violence will be assisted on a case by case basis, depending on the individual circumstances. The following are some of the actions RHA may take.

- Lease Bifurcation – RHA may split a lease agreement or voucher household to remove the offender and allow the victim and other household members to remain. If the offender is the head of household, RHA will provide the remaining adult household member the opportunity to establish eligibility or a reasonable time in which to find another dwelling.
- Moving without proper notice – If a documented victim must vacate a unit in order to be safe, RHA will not use this as grounds for the termination of housing assistance. This includes the first year under the voucher program as long as the victim has provided documentation of the abuse.
- Emergency Transfers – RHA generally maintains 99% occupancy levels in public housing which may result in a vacant unit being unavailable. VAWA indicates that victims of a sexual assault that occurred in their dwelling should be transferred within 90 days. RHA will attempt to meet this time frame but cannot guarantee it as a vacant unit may not be available. RHA will consider over-housing a family in this situation to expedite the transfer. To qualify for a VAWA emergency transfer the tenant must request the transfer in writing and reasonably believe he or she is under threat of imminent harm. Transfers are at the expense of the family.
- Public Housing Only – RHA will change the locks within 72 hours at no cost if requested to do so by a victim of domestic violence. However, the lock changes will not be done free of charge multiple times when the occupant continues to share the key with the abuser. Also, with the concurrence of the victim, RHA will trespass the abuser from public housing property. All victims of domestic violence should report the incidents to their manager as soon as practical and safe to do so. All such reports will be kept confidential.
- Housing Choice Voucher Participants – RHA is not the landlord in this program and cannot evict families for any reason. Tenant rights under the voucher program are governed by North Carolina State Statute Chapter 42. In general, these protections include a prohibition against eviction of a victim of domestic violence, ability to break a lease agreement if under imminent threat, and ability to evict only the abuser and continue the lease with the victim (lease bifurcation). State statute requires more documentation of the abuse including providing the landlord with a copy of the protective order, restraining order, and/or safety plan. This information is provided to the landlord and is not required by RHA. These protections can be found in Chapter 42 Article 5 of the North Carolina State Statutes in sections 42-42.2 and 42-45.1. The victim may also wish to consult with legal counsel including Legal Aid of North Carolina.

- In cases where two household members both claim to be the victim and name the other household member as the perpetrator, RHA will require third party documentation to determine the actual status of the household members.

RHA does not provide a preference for victims of domestic violence. However, RHA provides up to 10 housing slots per year as a “Special Admission”. Since 2007, RHA has provided five slots in public housing and 5 slots under the HCV program to victims of domestic violence receiving assistance from InterAct. InterAct is Wake County’s domestic violence prevention and treatment agency. The use of these slots has been informally tracked prior to this policy revision. Going forward, RHA will track these referrals more closely and report their utilization. This will include the referrals made, the program receiving the referral, and the outcome of the referral. RHA will document its effort to provide assistance and reasons the referrals are either successful or not. RHA will share these results with InterAct as well as reporting the outcomes to RHA’s Board and HUD through RHA’s Agency Plan submissions.

Grounds for Eviction and/or Termination of Assistance

Nothing in this policy may be construed to limit the authority of RHA to terminate housing assistance to any tenant or lawful occupant if RHA can demonstrate an actual and imminent threat to other tenants, RHA employees, or others providing services to the public housing or Section 8 assisted property. Actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or bodily harm. The factors that will be considered include: the duration of the risk, the nature and severity of the potential harm, and the likelihood that the potential harm will occur. As is the case with all terminations of assistance, the affected family will have the option of asking for a grievance or an informal hearing if they disagree with the termination.

RESOURCES

ATTENTION VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

If you are a victim of domestic violence, dating violence, sexual assault or stalking you have legal protections under both state and federal statutes. The Violence Against Women Act (VAWA) prevents a victim from losing housing due to being a victim of abuse. However, in order to receive these protections the victim must report the issue to their landlord. Police reports or certifications from the victim or service provider may be provided. VAWA requires this information to be handled in a private and confidential manner. If the abuse is not reported the housing provider may treat police calls as criminal activity and pursue lease termination.

If you are a victim of domestic violence, dating violence, sexual assault or stalking the following resources are available to provide assistance.

InterAct – Main number 919-828-7501 Located at 1012 Oberlin Road, Raleigh NC 27605

Other phone lines for assistance

Domestic Violence	919-828-7740
Toll free	1-866-291-0855

Sexual assault	919-828-3005
Toll free	1-866-291-0853

Spanish Assistance

Project Esperanza	919-956-9124
Toll free	1-888-232-9124

North Carolina Legal Aid	919-828-4647
Toll free	1-866-219-5262

National Domestic Violence Hotline

1-800-799-SAFE (7233)

www.TheHotline.org (For your safety, the site offers to help you remove any history of your use of this site.)

You should access these services only when you feel it is safe to do so. If you live in public housing, you should inform your manager when you are a victim of domestic violence. RHA has posted a copy of its Domestic Violence Policy on its web page at www.rhaonline.com. This

posting contains a self-certification form that can be used by the victim to report the abuse to the agency.