

# Notice of Occupancy Rights under the Violence Against Women Act

## To All Residents 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. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Lawrence Avenue Apartments** 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 **Lawrence Avenue Apartments**, 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 Residents

In removing the abuser or perpetrator from the household, **Lawrence Avenue Apartments** must follow Federal, State and Local eviction procedures. In order to divide a lease, **Lawrence Avenue Apartments** 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, **Lawrence Avenue Apartments** 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, **Lawrence Avenue Apartments** 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 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.** 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 you do not receive a transfer you would suffer violence in the very near future.

**OR**

- 4. 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.

**Lawrence Avenue Apartments** 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. **Lawrence Avenue Apartments** emergency transfer plan provides further information on emergency transfers and **Lawrence Avenue Apartments** 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.**

**Lawrence Avenue Apartments** 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 **Lawrence Avenue Apartments** must be in writing, and **Lawrence Avenue Apartments** must give you at least 14 days (Saturdays, Sundays and Federal Holidays do not count) from the day you receive the request to provide the documentation. **Lawrence Avenue Apartments** 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 **Lawrence Avenue Apartments** as documentation. It is your choice which of the following to submit if **Lawrence Avenue Apartments** 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 give to you by **Lawrence Avenue Apartments** 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 be 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 **Lawrence Avenue Apartments** has agreed to accept.

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

If **Lawrence Avenue Apartments** 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, **Lawrence Avenue Apartments** 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, **Lawrence Avenue Apartments** does not have to provide you with the protections contained in this notice.

## **Confidentiality**

**Lawrence Avenue Apartments** 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.

**Lawrence Avenue Apartments** must not allow any individual administering assistance or other services on behalf of **Lawrence Avenue Apartments** (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.

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

- You give written permission to **Lawrence Avenue Apartments** to release the information on a time limited basis.
- **Lawrence Avenue Apartments** 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 **Lawrence Avenue Apartments** or your landlord to release the information.

VAWA does not limit **Lawrence Avenue Apartments** 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 Resident 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, **Lawrence Avenue Apartments** cannot hold residents who have been victims of domestic violence, dating violence, sexual assault or stalking to a more demanding set of rules than it applies to residents 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 **Lawrence Avenue Apartments** can demonstrate that not evicting you or 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 residents or those who work on the property

If **Lawrence Avenue Apartments** can demonstrate the above, **Lawrence Avenue Apartments** 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 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:

Buffalo HUD Office  
465 Main Street, Suite 200  
Buffalo, NY 14203  
716-551-5755

## For Additional Information

You may view a copy of HUD's final VAWA rule at <https://www.federalregister.gov>. Additionally, **Lawrence Avenue Apartments** 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 local HUD Office**.

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).

For residents 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 the New York State Domestic and Sexual Violence Hotline 1-800-942-6906 and TTY dial: 711