

Violence Against Women Act (VAWA) Accommodation Request

This form should be completed by applicants and recent or current participants who receive federal rental assistance through HPD's Division of Tenant Resources (DTR), and want to request an accommodation because a member of the household is a victim of domestic violence, dating violence, sexual assault or stalking.

In order to be eligible for a VAWA accommodation you must:

- 1.) Be a current (or have been within the last 6 months) participant or applicant *and* authorized member of the household composition (*not a live-in aide, guest, or unassisted member*), **and**
- 2.) Be a victim of domestic violence, dating violence, sexual assault, and/or stalking as defined by federal regulations (*see box below*):

If you are not sure that you are eligible for VAWA protections, ask a DTR staff member for help. Though VAWA references women, rights and protections are extended to all victims regardless of gender identity. Return VAWA documentation to **DTR_VAWA@hpd.nyc.gov** or **Client Services** (100 Gold Street, Room 1-O, New York, NY 10038).

Person Requesting VAWA Accommodation: _____ **Head of Household Name:** _____

Perpetrator Name: _____ **Relationship of Perpetrator to the Victim:** _____

Assisted Address: _____

What kind of VAWA accommodation are you requesting? Please check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> Remove someone from the household | <input type="checkbox"/> Receive a voucher term extension |
| <input type="checkbox"/> Recalculate my tenant share of rent | <input type="checkbox"/> Transfer within the development or project |
| <input type="checkbox"/> Move with assistance within New York City | <input type="checkbox"/> Transfer to another supportive housing project |
| <input type="checkbox"/> Move with assistance outside of New York City | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Receive a housing choice voucher with me as the head of household ¹ | _____ |

If requesting a move, please list the names of all household members requesting to move with you:

Domestic violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim (including a person with whom the victim shares a child in common; and a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner).

Dating violence: violence committed by a person: 1.) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2.) where the existence of such a relationship shall be determined based on a consideration of the following factors: i.) the length of the relationship; ii) the type of the relationship; and iii) the frequency of interaction between the persons involved in the relationship.

Sexual assault: any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1.) fear for the person's individual safety or the safety of others; or 2.) suffer substantial emotional distress.

¹ Eligibility under this preference is only available to applicants and members of households that 1) DTR initially has determined to have met HPD's local preference requirements; 2) request a VAWA accommodation from HPD; and 3) provide a referral from an NYC Family Justice Center.



Are there children in the household? Yes No

If yes, who are they living with and where? _____

Are you currently living at the assisted address? Yes No

If no, what is your address? _____

Current Telephone Number: _____ Email: _____

Is there anyone else we can contact on your behalf if we are not able to reach you?

Name: _____ Preferred Contact Number: _____

Relationship: _____ Email: _____

Please check below if there is any other documentation you would like to provide.

- | | |
|--|--|
| <input type="checkbox"/> Order of Protection (Criminal or Family Court) | <input type="checkbox"/> Police report for domestic/criminal incident |
| <input type="checkbox"/> Hospital inpatient letter documenting assault | <input type="checkbox"/> Advocacy letter from social service provider, ACS, medical professional, NY District Attorney, or US Attorney |
| <input type="checkbox"/> Documentation of custody of children in the household | <input type="checkbox"/> Other: _____ |

Please describe the need for your request below and anything else you would like us to know (attach additional pages if necessary):

I certify that the above information and supporting documentation is true to the best of my knowledge. I understand that supplying false statements and information can lead to a denial of my request and jeopardize my housing subsidy. If requesting an application for a Housing Choice Voucher, I consent to the release of this form and any supporting documents submitted to HPD to the NYC Family Justice Center.

Client Signature: _____ Date: _____

FOR HPD USE ONLY	
Date reviewed: _____	HPD Subsidy Type: _____
Referral info provided to client (if applicable): _____	
Request approved? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Director/Coordinator Signature: _____	Date: _____

VAWA Accommodation: Frequently Asked Questions



Division of Tenant Resources (DTR)

100 Gold St., NY, NY 10038 • DTR_VAWA@hpd.nyc.gov • Ph: 917-286-4300 • Fax: 212-863-5103

What is VAWA?

The **Violence Against Women Act (VAWA)** of 2013 is a federal law that protects you from having your application denied, subsidy terminated, or eviction from your apartment as a result of *domestic violence, dating violence, sexual assault, or stalking*.

VAWA gives rights to applicant and participant household members receiving federal assistance from HPD under the following programs:

- **Section 8: including “regular” Housing Choice Voucher (HCV), Enhanced Voucher, and Project-Based Voucher**
- **Continuum of Care: Shelter Plus Care (SPC) and Mod SRO**
- **Moderate Rehabilitation: (Mod Rehab)**

VAWA applies regardless of sex, gender identity, or sexual orientation. HPD can assist with your subsidy, but you are encouraged to get help from other providers during this period.

Where can I find help?

Call **911** if you are in immediate danger. Call the **NYC 24 hour Domestic Violence Hotline at 1-800-621-4673** for immediate safety planning and shelter assistance. You may visit a **Family Justice Center** in any of the five boroughs for help with benefits, housing, counseling, financial or legal issues, and police reports. It doesn't have to be the borough in which you live:

Bronx

198 E. 161 St., 2nd Floor, 718-508-1220

Brooklyn

350 Jay St., 15th Floor, 718-250-5111

Manhattan

80 Centre St. 5th Floor, 212-602-2800

Queens

126-02 82nd Ave., 718-575-4545

Staten Island

126 Stuyvesant Pl., 718-697-4300

Am I eligible for VAWA rights?

You may have VAWA rights if an **intimate partner** has used the following behavior against you¹:

Physical violence: hitting, kicking, or using another type of physical force

Psychological aggression: verbal and non-verbal communication with the intent to harm you mentally or emotionally and/or exert control over you

Examples of an **intimate partner** include:

- ◇ a current or former spouse, boyfriend, girlfriend
- ◇ a person with whom you share a child
- ◇ an ongoing sexual partner
- ◇ a person that you are dating or have dated

You may also have VAWA rights if someone used the following behavior against you:

Sexual violence: forcing you to take part in a sex act, sexual touching when you don't or cannot consent

Stalking: a pattern of repeated, unwanted attention and contact by someone that causes fear or concern for your own safety

What rights do I have as a victim of violence?

Victims of *domestic violence, dating violence, sexual assault, or stalking* are eligible for accommodations related to their housing assistance under the **Violence Against Women Act (VAWA) of 2013**.

If you are a victim of violence other than sexual assault or stalking and the violence was **not** committed by an intimate partner, VAWA does not apply to you. Speak with an HPD staff member at **917-286-4300** for help with your subsidy as a result of other violence.

¹ Breiding MJ, Basile KC, Smith SG, Black MC, Mahendra RR. *Intimate Partner Violence Surveillance: Uniform Definitions and Recommended Data Elements, Version 2.0*. Atlanta (GA): National Center for Injury Prevention and Control, Centers for Disease Control and Prevention; 2015.

What can I do with VAWA rights?

How you can use your rights depends on your **subsidy type*** and if you are now the **head of the household** for the subsidy. If you **are the head of household**, you may request the following examples of accommodation:

- ◆ an emergency move or transfer
- ◆ a voucher term extension
- ◆ to remove the abuser from your subsidy (you will still have to contact management to remove them from your lease)

If you are **not the head of household**, you may request:

- ◆ to become the head of the existing household and have the current subsidy transferred to you
- ◆ to apply for a new voucher under the VAWA preference category

Once HPD designates you as the head of household you can request other accommodations such as an emergency move or change to the household composition.

**Please see more information about subsidy types on page 3.*

What if I don't feel safe in my apartment now?

You do **not** need to be living in the assisted unit in order to use your VAWA rights, but you **must** let HPD know if you leave the assisted address to stay somewhere else. Please use the contact information on this page to notify HPD of any changes to your mailing address or other contact information.

How do I request VAWA accommodation?

In order to request an accommodation you must provide:

- ◆ A completed **VAWA Accommodation Request** form (<https://www1.nyc.gov/site/hpd/section-8/tenants.page> or from Client Services at 100 Gold Street, New York, NY 10038)

You may also provide the following supporting documentation:

- ◆ A completed **HUD Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation** (form 5382)
- ◆ Federal, state, local, tribal or territorial police or court records
- ◆ Supporting documentation from other parties, such as: a victim service provider, attorney, or health care professional that provided services relating to this claim. HPD can coordinate with other professionals that you are working with if you sign a **VAWA Consent to Release Information**. Any other party that completes a letter for you must also complete the **VAWA Third Party Certification** statement that you must also sign.

Please note that submission of false information could be the basis for denial of admission or termination of assistance.

Why am I being asked to sign a Consent to Release Information?

HPD wants to protect your privacy and information. If you are providing HPD additional information from others (legal or supportive services, etc.), you can agree to have HPD communicate with anyone you choose in order to exchange information.

In addition, HPD may need to use your information in order to approve your request(s). If your request is to become the head of household and have the subsidy transferred to you, the VAWA information you choose to share may be disclosed to the current HOH during HPD proceedings. It may also be disclosed during future legal proceedings, should there be any.

How do I remove an abuser from my subsidy?

If you are the head of household, submit the **VAWA Accommodation Request** form to HPD. Please provide supporting documentation and contact information for the person you are removing, if you have it.

If you are not the head of household, you must first request to become the head of the household and either have the subsidy transferred to you or receive a new voucher before removing someone.

How do I move to a different apartment?

Submit a **VAWA Accommodation Request** form with supporting documentation to Client Services or DTR_VAWA@hpd.nyc.gov unless other contact info is listed below. If you are not the head of household, you will need to first request to have the voucher transferred to you, or apply for a new voucher through the VAWA preference category. Your subsidy type affects how you can move:

What kind of rental assistance do you have*?

What do you want to do with your assistance?

	Section 8: "Regular" Housing Choice Voucher (HCV)	Section 8: Enhanced Voucher	Section 8: Project Based Voucher (PBV)	Continuum of Care: Shelter Plus Care and Mod SRO	Moderate Rehabilitation: Mod Rehab
Move to a different building in NYC	You will receive a move voucher after your request is approved.	Moving outside of your development will change your enhanced voucher to "regular" HCV. You will receive a move voucher when approved.	You will be placed on the top of the HCV Move waitlist. When available, you will receive a move voucher.	You will need to apply for the HPD VAWA preference category to receive a "regular" HCV.	You will need to apply for the HPD VAWA preference category to receive a "regular" HCV.
Transfer to a different unit in my development	N/A	Request a transfer from management. If you remain in the development, your voucher will remain enhanced.	Request a transfer from management. If you remain in the development, your voucher will remain project based.	Contact HPD at CoC_EMR@hpd.nyc.gov or call 212-863-8548 to request a transfer.	Request a transfer from your building owner/ management.
Transfer to a different supportive housing development	N/A	N/A	N/A	Contact HPD at CoC_EMR@hpd.nyc.gov or call 212-863-8548 to request a transfer.	N/A
Move outside of NYC (Port Out)	You will receive a "port" voucher after your request is approved.	Moving outside of your development will change your enhanced voucher to "regular" HCV. You will receive a "port" voucher when approved.	You will be placed on top of the HCV Move waitlist. When available, you will receive a "port" voucher.	You will need to apply for the HPD VAWA preference category to receive a "port" voucher.	You will need to apply for the HPD VAWA preference category to receive a "port" voucher.

*If you have questions about your subsidy type, please call Client Services: 917-286-4300.

How do I receive a VAWA accommodation if I'm not the head of the household?

If you are not the head of household and want to use your VAWA rights to become the head of the household, please complete the **VAWA Accommodation Request** form to request either (1.) an application for a new voucher from the HPD VAWA preference category, or (2.) have the current voucher transferred to you.

1. **To apply for a new voucher under the VAWA preference category**, you must receive a referral from an NYC Family Justice Center. HPD will provide the FJC referral information to you after receiving your request. Once HPD receives a referral from FJC and confirms your program eligibility, HPD will schedule you for an appointment to complete your application at HPD. On your application you can make any necessary changes to your household composition.

Once your application is complete and approved, you will receive a "regular" Housing Choice Voucher (HCV) and be briefed as the head of household. When you become the head of household you may request to move or sign a lease in your current apartment if your landlord offers you one. After you receive your new voucher, HPD may still proceed with termination of the original head of household's subsidy.

2. **To have the original subsidy transferred to you***, HPD must first terminate the head of household's subsidy. You may be asked to sign a **VAWA Consent to Release Information** form so that the documents you choose can be used to evaluate who will use the subsidy. In addition, if there are minor children in the household, HPD will consider their role when evaluating who will use the voucher.

The transfer of voucher process includes:

- ◆ HPD reviewing the documentation you provided and issuing a mandatory conference notice to the current head of household (HOH).
- ◆ Next, the HOH should attend a conference at HPD to discuss the reason for termination. The HOH will also have the opportunity to provide their own documentation to HPD.
- ◆ After, if HPD decides to terminate the voucher, HPD will issue a termination notice to the HOH, who can then request an Informal Hearing with the HPD Appeals Unit.

The subsidy transfer process may take a few months. If the subsidy is transferred to you, the abuser would not get a separate voucher. At this time, HPD will share any information you have permitted the agency to share with the HPD Appeals Unit staff, the hearing officers and with the abuser and their representative.

**If your subsidy is in the Continuum of Care program, you would have had to meet the eligibility requirements (of disability and chronic homelessness) for the Continuum of Care at the time you entered the program.*

What if I am not a US citizen and my immigration status is pending?

You may have VAWA rights regardless of immigration status. If you have applied for **VAWA Self-Petitioner Status**, your housing subsidy may be protected if you are seeking to be the head of household and/or receive your own voucher. You cannot apply for VAWA Self-Petitioner Status through HPD, but can receive help from legal resources (which you can find by calling **311**). Should you have any concerns about your immigration status and subsidy due to the federal government's "public charge" rule, please contact ActionNYC through **311** or **1-800-354-0365** for city-funded legal advice.

HPD can provide further assistance with your VAWA rights after you applied for VAWA Self-Petitioner Status.