

Mooresville Housing Authority/Mooresville Affordable Development Violence Against Women Act Policy

This Violence Against Women Act (VAWA), as reauthorized is now known as the VAWA 2013. Policy is established for the Mooresville Affordable Development (MAD) and the Authority (MHA) (both herein referred to as Authority), by action of the Board of Commissioners on this 17th day of August, 2017. This Policy covers both the Project Based Voucher units and the Project Based rental assistance units.

The Authority will follow Federal law in its efforts to serve the needs of victims of domestic violence, dating violence, sexual assault and stalking (all of which are here referred to as victims of **domestic violence**) regardless of sex, gender identity, or sexual orientation. This protection also extends to other affiliated individuals residing in the household.

Definitions

Domestic Violence (as defined in Section 40002(a)(6) of VAWA 1994)– The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Dating Violence – (as defined in Section 40002(a)(8)of VAWA 1994) – The term ‘dating violence’ means violence committed by a person –

- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) 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 relationship
 - (iii) the frequency of interaction between the persons involved in the relationship

Sexual Assault – means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Stalking – means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for the person's individual safety or the safety of others; or
- (B) Suffer substantial emotional distress.

Affiliated Individual – means, with respect to a person –

- (A) A spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in the place of a parent or guardian (for example, the affiliated individual is a person in the

care, custody, or control of that individual); or

(B) Any person, tenant, or lawful occupant living in the household of that person.

An applicant or tenant who is or has been a victim of domestic violence, dating violence, sexual assault or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission. Incidents of actual or threatened domestic violence shall not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

Criminal activity directly relating to domestic violence engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy right if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence unless the Authority can demonstrate an actual and imminent threat to other tenants or employees if that tenant is not evicted. The Authority may bifurcate the lease in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

The Authority retains the right to terminate assistance to a tenant for any violation of the lease not premised on the act or acts of violence in question provided the same standards apply to victims and non-victims. The Authority shall not subject an individual who is or has been a victim of domestic violence to a more demanding standard than other tenants in determining whether to evict or terminate.

Upon proper notice thereof, the Authority shall honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution of possession of property among the household members in cases where a family breaks up.

Individuals shall be required to provide certification of his/her status as a victim of domestic violence to qualify for the protections implemented in the VAWA and for the confidentiality of that certification. Such certification shall include the name of the perpetrator.

The individual shall provide such certification within fourteen (14) business days after the Authority requests such certification in writing. If the certification is not received within fourteen (14) business days of the Authority's written request, nothing shall limit the Authority's ability to terminate assistance. The Authority may extend the fourteen (14) day deadline at its discretion.

An individual may satisfy the certification requirement by providing the Authority with documentation signed by her/himself, by an employee or agent of a victim service provider, police or court records, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence or the effects of the abuse, in which the professional attests to the professional's belief that the incident or incidents in question are bona fide incidents of abuse.

All information provided to the Authority pursuant to the fact that an individual is a victim of domestic violence shall be retained in confidence and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is requested or consented to by the individual in writing, is required for use in an eviction proceeding as provided in this policy or otherwise required by applicable law.