



# Housing Authority of the County of Stanislaus

*...also serving Alpine • Amador • Calaveras • Inyo • Mariposa • Mono • Tuolumne Counties.*

## VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY

### **HOUSING AUTHORITY COUNTY OF STANISLAUS ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM**

#### 16-IX.C. Notification [24 CFR 5.2005(a)]

The PHA adopts the following policy to help ensure that all actual and potential beneficiaries of its public housing program are aware of their rights under VAWA.

#### HACS Policy

The PHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

A notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)

A copy of the PHA's emergency transfer plan (Exhibit 16-3)

A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800- 787-3224 (TTY) (included in Exhibit 16-1)

Contact information for local victim advocacy groups or service providers

### **ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR THE PUBLIC HOUSING PROGRAM**

#### 16-VII.C. Notification [24 CFR 5.2005(a)]

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The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800- 787-3224 (TTY) (included in Exhibit 16-1)

Contact information for local victim advocacy groups or service providers

**EXHIBIT 16-1: SAMPLE NOTICE OF OCCUPANCY RIGHTS UNDER THE  
VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380**

**Housing Authority County of Stanislaus (HACS)**

**Notice of Occupancy Rights under the Violence Against Women Act<sup>1</sup>**

**To all Tenants 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.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **HACS** 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 a **HACS** housing program, 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.

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<sup>1</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

## **Protections for Tenants**

If you are receiving assistance under a **HACS** housing program, 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 under a **HACS** housing program 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.

## **Removing the Abuser or Perpetrator from the Household**

HP may divide (bifurcate) your lease in order to evict the individual or 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 HP chooses to remove the abuser or perpetrator, HP 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, HP 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, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP 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, HP 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, HP 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 if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**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.

HP 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.

HP's emergency transfer plan provides further information on emergency transfers, and HP 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**

HP 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 HP must be in writing, and HP 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. HP 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 HP as documentation. It is your choice which of the following to submit if HP 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 given to you by HP 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 HP has agreed to accept.

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

If HP 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), HP 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, HP does not have to provide you with the protections contained in this notice.

### **Confidentiality**

HP 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.

HP must not allow any individual administering assistance or other services on behalf of HP (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.

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

- You give written permission to HP to release the information on a time limited basis.
- HP 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 HP or your landlord to release the information.

VAWA does not limit HP's 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, HP 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 HP 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 tenants or those who work on the property.

If HP can demonstrate the above, HP 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 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 a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the local HUD Field Office located at One Sansome Street #1200, San Francisco, California 94104..

## **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, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **Occupancy Department, (209) 557-2000**.

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 Haven Women's Center Stanislaus at (209) 524-4331.

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://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact Haven Women's Center Stanislaus at (209) 524-4331

Victims of stalking seeking help may contact Haven Women's Center Stanislaus at (209) 524-4331

**Attachment:** Certification form HUD-5382





**EXHIBIT 16-2: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION,  
FORM HUD-5382**

**CERTIFICATION OF  
DOMESTIC VIOLENCE,  
DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING,  
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: \_\_\_\_\_

2. Name of victim: \_\_\_\_\_

3. Your name (if different from victim's): \_\_\_\_\_

4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

\_\_\_\_\_

5. Residence of victim: \_\_\_\_\_

6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

\_\_\_\_\_

7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

8. Date(s) and times(s) of incident(s) (if known): \_\_\_\_\_

\_\_\_\_\_

10. Location of incident(s): \_\_\_\_\_

In your own words, briefly describe the incident(s): _____ _____ _____
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This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

**EXHIBIT 16-3: NMA EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

Attachment: Certification form HUD-5382

**Housing Authority County of Stanislaus (HACS)**

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking  
Public Housing Program**

**Emergency Transfers**

The PHA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>3</sup> the PHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>4</sup> The ability of the PHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the PHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

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<sup>3</sup>Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>4</sup>Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that the **public housing and housing choice voucher (HCV) programs** are in compliance with VAWA.

### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer, if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify the PHA's management office and submit a written request for a transfer to **any PHA office**. The PHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the PHA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

## **Confidentiality**

The PHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the PHA written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person or persons that committed an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence against Women Act for All Tenants for more information about the PHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

## **Emergency Transfer Timing and Availability**

The PHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The PHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The PHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the PHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, the PHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the PHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Emergency Transfers: Public Housing (PH) Program**

If you are a public housing resident and request an emergency transfer as described in this plan, the PHA will attempt to assist you in moving to a safe unit quickly. The PHA will make exceptions as required to policies restricting moves.

Emergency transfers for which you are not required to apply for assistance include the following:

- Public housing unit in a different development
- Public housing unit in the same development, if you determine that the unit is safe

At your request, the PHA will refer you to organizations that may be able to further assist you.

You may also request an emergency transfer to the following programs for which you are required to apply for assistance:

- HCV tenant-based program
- HCV project-based assistance
- Other programs administered by the PHA (such as state housing programs)

Emergency transfers will not take priority over waiting list admissions for these types of assistance. At your request, the PHA will refer you to organizations that may be able to further assist you.

## **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse, and Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

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://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.





**EXHIBIT 16-4: EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, FORM HUD-5383**

**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

**The requirements you must meet 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. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

**(2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

**(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 if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**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 submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER**

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. \_\_\_\_\_

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: \_\_\_\_\_

# Haven Women's Center of Stanislaus



24 - Hour Crisis Line  
209.577.5980

Modesto Office 209.524.4331 or Turlock Office 209.664.9131

**SERVING STANISLAUS COUNTY SINCE 1977**

Serving all survivors of domestic violence, sexual abuse, and human trafficking regardless of gender identity, immigration status, or sexual orientation. Our services

### OUR MISSION

Haven is a catalyst for individual empowerment and societal change: advocating for those impacted by domestic and sexual abuse or exploitation and working to end gender-based violence. [Learn more](#)



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### CONTACT

MAIN OFFICE  
TURLOCK OFFICE

### Main Office

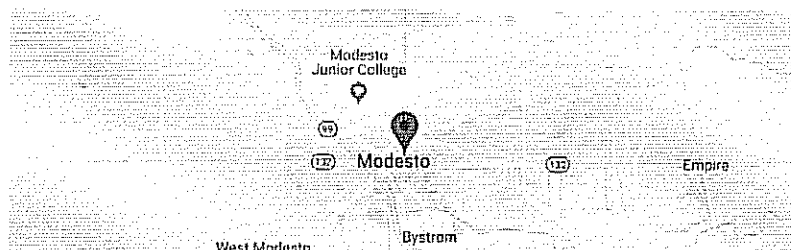
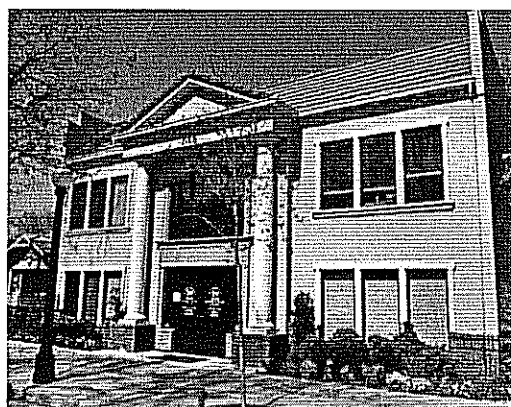
618 13th Street  
Modesto, CA, 95354

Operation Hours:  
Monday - Friday  
8:30 am to 4:30 pm

Saturday & Sunday:  
OFFICE CLOSED

Main Phone:  
209.524.4331

24-Hour Crisis Line:  
209.577.5980



<https://modestogospelmission.org/>

1400 Yosemite Blvd.  
PO Box 1203  
Modesto, CA 95353  
Phone: (209) 529-8259  
FAX: (209) 529-3450



**DONATE NOW**

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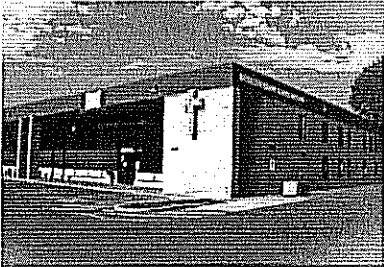
**WHO WE ARE ABOUT US** We provide a Refuge for Recovery and Restoration through the love and power of Jesus Christ.

Since 1948, Modesto Gospel Mission has provided nutritious meals, warm beds and a place of safety for thousands of poor and homeless men, women and children.

Through various services, we are able to help someone go from homeless to home. We touch lives with the love of Jesus and offer hope where there is despair. We minister to the whole person: physically, emotionally and most of all, spiritually.

We do this by providing shelter, clothing, meals, Bible studies, life skills classes, GED and adult high school classes, employment assistance, addiction recovery, medical assistance, and more.

Modesto Gospel Mission receives NO government funding and depends completely on the gifts of God's people – individuals, churches, groups, foundations and businesses, who care about the poor and homeless.



"Inasmuch as you do it to the least of these, you did it to me."  
–Matthew 25:40 (Jesus Christ)

Click on the link below to view the annual report in Adobe PDF Format:

**Housing Authority County of Stanislaus (HACS)**  
**Notice of Occupancy Rights under the Violence Against Women Act<sup>1</sup>**

**To all Tenants 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.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **HACS** 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 **HACS housing programs**, 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 **HACS housing programs**, 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 under **HACS housing programs** 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.

**Removing the Abuser or Perpetrator from the Household**

HACS may divide (bifurcate) your lease in order to evict the individual or 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 HACS chooses to remove the abuser or perpetrator, HACS 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, HACS 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, HACS must follow Federal, State, and local eviction procedures. In order to divide a lease, HACS may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

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<sup>1</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.



### **Moving to Another Unit**

Upon your request, HACS 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, HACS 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 if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**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.

HACS 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.

HACS's emergency transfer plan provides further information on emergency transfers, and HACS 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**

HACS 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 HACS must be in writing, and HACS 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. HACS 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 HACS as documentation. It is your choice which of the following to submit if HACS 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 given to you by HACS 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 HACS has agreed to accept.

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

If HACS 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), HACS 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, HACS does not have to provide you with the protections contained in this notice.

### **Confidentiality**

HACS 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.

HACS must not allow any individual administering assistance or other services on behalf of HACS (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.

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

- You give written permission to HACS to release the information on a time limited basis.
- HACS 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 HACS or your landlord to release the information.

VAWA does not limit HACS’s 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, HACS 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 HACS 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 tenants or those who work on the property.



If HACS can demonstrate the above, HACS 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 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 a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the local HUD Field Office located at **One Sansome Street #1200, San Francisco, California 94104.**

**For Additional Information**

You may view a copy of HUD's final VAWA rule at <https://www.federalregister.gov/.../violence-against-women-reauthorization-act-of-2013->

Additionally, HACS must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact Occupancy Department (209) 557-2000

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 **Women's Haven Center Stanislaus (209) 524-4331**

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://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact **Women's Haven Center Stanislaus (209) 524-4331**

Victims of stalking seeking help may contact **Women's Haven Center Stanislaus (209) 524-4331**

**Attachment:** Certification form HUD-5382 (available upon request)

**CERTIFICATION OF  
DOMESTIC VIOLENCE,  
DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING,  
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.



**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: \_\_\_\_\_

2. Name of victim: \_\_\_\_\_

3. Your name (if different from victim's): \_\_\_\_\_

4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_  
\_\_\_\_\_

5. Residence of victim: \_\_\_\_\_

6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_  
\_\_\_\_\_

7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

8. Date(s) and times(s) of incident(s) (if known): \_\_\_\_\_  
\_\_\_\_\_

10. Location of incident(s): \_\_\_\_\_

In your own words, briefly describe the incident(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

**Autoridad de vivienda del condado de Stanislaus<sup>1</sup> -  
(HOUSING AUTHORITY COUNTY OF STANISLAUS)**

**Aviso de Derechos de Ocupación bajo la Ley sobre la Violencia contra la Mujer<sup>2</sup>**

**A todos los inquilinos y solicitantes**

La Ley sobre la Violencia contra la Mujer (VAWA, por sus siglas en inglés) dispone protecciones para las víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso. Las protecciones de la VAWA no solo están disponibles para las mujeres, sino que están disponibles por igual para todas las personas independientemente del sexo, identidad de género u orientación sexual. El Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD, por sus siglas en inglés) es la agencia federal que supervisa que **Autoridad de vivienda del condado de Stanislaus** cumpla con VAWA. Este aviso explica sus derechos bajo VAWA. Un formulario de certificación que ha sido aprobado por HUD se adjunta a este aviso. Puede llenar este formulario para demostrar que usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso, y que desea ejercitar sus derechos bajo VAWA”.

**Protecciones para los solicitantes**

Si también es elegible para obtener asistencia bajo **Autoridad de vivienda del condado de Stanislaus**, no se le puede denegar la admisión ni la asistencia porque es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual, o acoso.

**Protecciones para los inquilinos**

Si usted recibe asistencia bajo **Autoridad de vivienda del condado de Stanislaus**, no se le puede denegar la asistencia, terminar su participación en el programa o ser desalojado de su vivienda de alquiler porque es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso.

Además, si usted o una persona afiliada a usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso por parte de un miembro de su hogar o algún invitado, a usted no se le puede denegar la asistencia de alquiler o derechos de ocupación bajo **Autoridad de vivienda del condado de Stanislaus** exclusivamente sobre la base de actividad delictiva directamente relacionada con tal violencia doméstica, violencia de pareja, agresión sexual o acoso.

Persona afiliada significa su cónyuge, padre/madre, hermano, hermana o hijo/a, o una persona para quien usted cumple la función de padre o guardián (por ejemplo, la persona afiliada está bajo su cuidado, custodia o control); o cualquier persona, inquilino u ocupante legal que viva en su hogar.

<sup>1</sup> El aviso utiliza PV para el proveedor de vivienda, pero el proveedor de vivienda debe insertar su nombre donde PV se utiliza. Las regulaciones específicas del programa HUD identifican a la persona o entidad responsable de proporcionar el aviso de derechos de ocupación.

<sup>2</sup> A pesar del nombre de esta ley, las protecciones de VAWA están disponibles sin distinción de sexo, identidad de género u orientación sexual.

<sup>3</sup> Los proveedores de vivienda no pueden discriminar por razón de ninguna característica protegida, incluidos la raza, color, origen nacional, religión, sexo, estado familiar, discapacidad o edad. Las viviendas con ayuda de HUD y garantizadas por HUD deben estar disponibles para todas las personas elegibles independientemente de su orientación sexual real o percibida, identidad de género o estado civil.



### **Desalojar al agresor o perpetrador del hogar**

PV puede dividir (bifurcar) su contrato de arrendamiento para desalojar a la persona o terminar la asistencia de la persona que haya participado en actividades delictivas (el agresor o perpetrador) que se relacionan directamente con violencia doméstica, violencia de pareja, agresión sexual o acoso.

Si PV decide desalojar al agresor o perpetrador, PV no puede quitar los derechos de los inquilinos a la unidad ni castigar de otro modo a los inquilinos restantes. Si el agresor o perpetrador que fue desalojado era el único inquilino con elegibilidad establecida para recibir asistencia bajo el programa, PV debe permitir que el inquilino que es o haya sido la víctima y otros miembros del hogar permanezcan en la unidad por un período de tiempo, para poder establecer su elegibilidad bajo el programa o bajo otro programa de vivienda HUD cubierto por VAWA, o bien, para encontrar vivienda alternativa.

Al remover al agresor o perpetrador del hogar, PV debe seguir los procedimientos de desalojo federales, estatales y locales. A fin de dividir un contrato de arrendamiento, PV puede, pero no está obligado, pedirle la documentación o certificación de las incidencias de violencia doméstica, violencia de pareja, agresión sexual o acoso.

### **Trasladarse a otra unidad**

A petición suya, PV puede permitirle mudarse a otra unidad, sujeto a la disponibilidad de otras unidades, y aun así mantener su asistencia. Para aprobar una solicitud, PV puede pedirle que proporcione documentación que indique que usted solicita mudarse debido a un caso de violencia doméstica, violencia de pareja, agresión sexual o acoso. Si la solicitud es un pedido de traslado de emergencia, el proveedor de vivienda puede pedirle que presente una solicitud por escrito o llene un formulario donde certifique que usted reúne los criterios para un traslado de emergencia bajo VAWA. Los criterios son:

- (1) Usted es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso. Si su proveedor de vivienda aún no tiene documentación de que usted es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso, su proveedor de vivienda puede pedirle dicha documentación, según se describe en la sección de documentación a continuación.
- (2) Usted solicita expresamente el traslado de emergencia. Su proveedor de vivienda puede optar por requerir que presente un formulario, o puede aceptar otra solicitud escrita u oral.
- (3) Usted tiene razón para creer que se encuentra en peligro de daño inminente de violencia adicional si permaneciera en su unidad actual. Esto significa que usted tiene razón para temer que si no recibe el traslado puede sufrir violencia en un futuro muy próximo.

### **O BIEN**

Usted ha sido víctima de agresión sexual y la agresión ocurrió en las instalaciones durante un período de 90 días naturales antes de solicitar el traslado. Si usted ha sido víctima de agresión sexual, entonces además de calificar para un traslado de emergencia porque usted tiene razón para temer que se encuentra en peligro de daño inminente de violencia adicional si permaneciera en su unidad actual, usted puede calificar para un traslado de emergencia si la agresión sexual ocurrió en las instalaciones de la propiedad de la cual usted está solicitando el traslado, y la agresión ocurrió dentro de un período de 90 días naturales antes de usted solicitar expresamente el traslado.

PV mantendrá en confidencialidad las solicitudes para traslados de emergencia hechos por víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso, y el lugar al que se muden las víctimas y sus familias.

El plan de traslado de emergencia del PV proporciona más información sobre los traslados de emergencia, y PV debe facilitarle una copia de su plan de traslado de emergencia si usted solicita verlo.

## **Documentar que usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso**

PV puede, aunque no esté obligado, pedirle que proporcione documentación para "certificar" que usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso.

Dicha solicitud de PV debe ser por escrito, y PV debe concederle un mínimo de 14 días laborables (no cuentan los sábados, domingos ni días feriados federales) desde el día que usted reciba la solicitud para proporcionar la documentación. PV puede, pero no está bajo la obligación, extender el plazo para presentar la documentación a petición suya.

Usted puede proporcionar una de las siguientes documentaciones a PV. Es su elección cuál de las siguientes presentará si PV le pide que proporcione documentación que usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso.

- Un formulario completo de certificación aprobado por HUD que PV le ha entregado con este aviso, que documenta un incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso. El formulario le preguntará su nombre, la fecha, hora y lugar del incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso, y una descripción del incidente. El formulario de certificación pide el nombre del agresor o perpetrador, en caso de conocer el nombre del agresor o perpetrador y es seguro proporcionarlo.
- Un registro de una agencia policial, administrativa o corte federal, estatal, tribal, territorial o local que documente el incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso. Ejemplos de tales registros incluyen informes de la policía, órdenes de protección y órdenes de restricción, entre otros.
- Una declaración, la cual deberá firmar, junto con la firma de un empleado, agente o voluntario de un proveedor de servicios para víctimas, un abogado, un profesional médico o un profesional de salud mental (colectivamente, "profesional") de quien usted ha solicitado ayuda por el incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso, o los efectos del abuso, y que el profesional que usted seleccionó atestigüe bajo pena de perjurio que él o ella cree que el incidente o incidentes de violencia doméstica, violencia de pareja, agresión sexual o acoso son motivos para la protección.
- Cualquier otra declaración o evidencia que PV esté de acuerdo en aceptar.

Si usted no cumple o se niega a proporcionar uno de estos documentos dentro del plazo de 14 días laborables, PV no tiene que proporcionarle las protecciones contenidas en este aviso.

Si PV recibe evidencia contradictoria de que se ha cometido un incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso (tales como formularios de certificación de dos o más miembros de un hogar en los que cada uno afirma ser la víctima y nombra a uno o más de los miembros del hogar que también han presentado una solicitud como el agresor o perpetrador), PV tiene el derecho de solicitar que usted proporcione documentación de terceros dentro de 30 días naturales para poder resolver el conflicto. Si usted incumple o se niega a proporcionar la documentación de terceros en caso de haber evidencia contradictoria, PV no tiene que proporcionarle las protecciones contenidas en este aviso.

## **Confidencialidad**

PV debe mantener en confidencialidad cualquier información que usted proporcione relacionada con el ejercicio de sus derechos bajo VAWA, incluido el hecho de que está ejercitando sus derechos bajo VAWA.

PV no debe permitir que ninguna persona que administre asistencia u otros servicios en nombre de PV (por ejemplo, empleados y contratistas) tenga acceso a información confidencial a menos que sea por razones que requieran específicamente que estas personas tengan acceso a esta información bajo la estipulación de leyes federales, estatales o locales aplicables.

PV no debe ingresar su información en ninguna base de datos compartida ni revelar su información a ninguna otra entidad o persona. Sin embargo, PV puede revelar su información si:

- Usted da su autorización por escrito para que PV revele la información por un tiempo limitado.
- PV necesita usar la información en un proceso de desalojo o terminación, tal como desalojar al agresor o perpetrador o dar por terminada la asistencia que el agresor o perpetrador recibe bajo este programa.
- Una ley requiere que PV o su arrendador revele la información.

VAWA no limita la responsabilidad de PV de cumplir con las órdenes judiciales sobre el acceso o control de la propiedad. Esto incluye las órdenes emitidas para proteger a una víctima y las órdenes para la división de bienes entre los miembros del hogar en casos de ruptura familiar.

### **Razones por las que un inquilino elegible para los derechos de ocupación bajo VAWA puede ser desalojado o su asistencia puede ser terminada**

Usted puede ser desalojado o su asistencia puede ser terminada por violaciones serias o repetidas de su contrato de arrendamiento que no estén relacionadas con violencia doméstica, violencia de pareja, agresión sexual o acoso cometido en su contra. Sin embargo, PV no puede exigir que los inquilinos que hayan sido víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso cumplan con un conjunto de reglas más estricto que el que aplica a los inquilinos que no han sido víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso. Es posible que las protecciones descritas en este aviso no sean aplicables, y usted podría ser desalojado y su asistencia terminada, si PV puede demostrar que no el desalojarlo o terminar su asistencia presentaría un peligro físico real que:

- 1) Ocurriría en un plazo inmediato, y
- 2) Podría resultar en la muerte o daño físico grave de otros inquilinos o aquellos que trabajan en la propiedad.

Si PV puede demostrar lo anterior, PV solamente debe terminar su asistencia o desalojarlo si no se puede tomar ninguna otra acción para reducir o eliminar la amenaza.

### **Otras leyes**

VAWA no reemplaza ninguna ley federal, estatal o local que proporcione mayor protección a las víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso. Usted puede tener derecho a otras protecciones de vivienda para las víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso bajo otras leyes federales, así como bajo las leyes estatales y locales.

### **Incumplimiento de los requisitos de este aviso**

Usted puede reportar las violaciones de estos derechos por parte de un proveedor de vivienda cubierto y buscar ayuda adicional, si es necesario, mediante comunicarse o presentar una queja a **HUD Field Office located at One Sansome Street #1200, San Francisco, California 94104.**

**Para obtener más información**

Usted puede ver una copia de la regla VAWA final de HUD en

<https://www.federalregister.gov/.../violence-against-women-reauthorization-act-of-2013->

Además, PV debe facilitarle una copia de las regulaciones VAWA de HUD si usted solicita verlas.

Si tiene preguntas relacionadas con VAWA, favor de comunicarse (209) 557-2000.

Para obtener ayuda con respecto a una relación abusiva, puede llamar a la Línea Nacional de Ayuda para la Violencia Doméstica al teléfono 1-800-799-7233 o, para personas con impedimentos auditivos, 1-800-787-3224 (TTY). También puede comunicarse con **Haven Women's Center Stanislaus at (209) 524-4331.**

Los inquilinos que son o han sido víctimas de acoso que están en busca de ayuda pueden visitar el Centro de Recursos para el Acoso del Centro Nacional para Víctimas del Crimen en <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Para obtener ayuda con respecto a la agresión sexual, puede comunicarse con **Haven Women's Center Stanislaus at (209) 524-4331.**

Las víctimas de acoso que están en busca de ayuda pueden comunicarse con **Haven Women's Center Stanislaus at (209) 524-4331.**

**Adjunto:** Formulario de certificación HUD-5382 (disponible a petición)



**CERTIFICACIÓN DE  
VIOLENCIA DOMÉSTICA,  
VIOLENCE DE PAREJA,  
AGRESIÓN SEXUAL O ACOSO,  
Y DOCUMENTACIÓN ALTERNATIVA**

Departamento de Vivienda y  
Desarrollo Urbano de los EE.UU.

Núm. de aprobación de OMB 2577-0286

Expira 30/06/2017

**Propósito del formulario:** La Ley sobre la Violencia contra la Mujer (VAWA, por sus siglas en inglés) protege a los solicitantes, inquilinos y participantes de ciertos programas de HUD de ser desalojados, denegados asistencia de vivienda o la terminación de su asistencia de vivienda por razón de actos de violencia doméstica, violencia de pareja, agresión sexual o acoso en su contra. A pesar del nombre de esta ley, las protecciones de VAWA están disponibles para las víctimas de violencia doméstica, violencia de pareja, agresión sexual y acoso independientemente del sexo, identidad de género u orientación sexual.

**Uso de este formulario opcional:** Si está solicitando las protecciones proporcionadas por VAWA de su proveedor de vivienda, su proveedor de vivienda puede darle una solicitud por escrito que le pide que presente documentación sobre el incidente o incidentes de violencia doméstica, violencia de pareja, agresión sexual o acoso.

En respuesta a tal petición, usted o alguien en su nombre puede completar este formulario opcional y presentarlo a su proveedor de vivienda, o usted puede presentar uno de los siguientes tipos de documentación de terceros:

- (1) Un documento firmado por usted y un empleado, agente o voluntario de un proveedor de servicios para víctimas, un abogado, o un profesional médico o un profesional de salud mental (colectivamente, "profesional") de quien usted ha solicitado ayuda en relación con el incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso, o los efectos del abuso. El documento debe especificar, bajo pena de perjurio, que el profesional cree que el incidente o incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso ocurrió y cumple con la definición de "violencia doméstica", "violencia de pareja", "agresión sexual", o "acoso" en las regulaciones de HUD en 24 CFR 5.2003.
- (2) Un registro de una agencia policial, administrativa o corte federal, estatal tribal, territorial o local; o
- (3) A discreción del proveedor de vivienda, una declaración u otra evidencia proporcionada por el solicitante o inquilino.

**Presentación de la documentación:** El plazo para presentar la documentación es de 14 días laborables a partir de la fecha que usted recibe una solicitud por escrito de su proveedor de vivienda pidiéndole que presente documentación del incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso. Su proveedor de vivienda puede, aunque no está obligado, extender el plazo para presentar la documentación, si usted solicita una extensión del plazo. Si la información solicitada no es recibida dentro de 14 días laborables a partir del momento en que recibió la solicitud de dicha documentación, o de la extensión de la fecha proporcionada por su proveedor de vivienda, su proveedor de vivienda no tiene necesidad de proporcionarle ninguna de las protecciones de VAWA. La distribución o expedición de este formulario no constituye una solicitud por escrito de certificación.

**Confidencialidad:** Toda la información proporcionada a su proveedor de vivienda con respecto al incidente(s) de violencia doméstica, violencia de pareja, agresión sexual o acoso se mantendrá en confidencialidad y tales detalles no se ingresarán en ninguna base de datos compartida. Los empleados de su proveedor de vivienda no deben tener acceso a estos detalles a menos que sea para concederle o



denegarle las protecciones de VAWA, y dichos empleados no podrán revelar esta información a ninguna otra entidad o persona, salvo en la medida en que su divulgación sea: (i) bajo su consentimiento por escrito para divulgación por un tiempo limitado; (ii) requerida para uso en un proceso de desalojo o audiencia relacionada con la terminación de asistencia; o (iii) de algún otro modo exigido por las leyes aplicables.

**PARA COMPLETARSE POR O EN NOMBRE DE LA VÍCTIMA DE VIOLENCIA DOMÉSTICA, VIOLENCIA DE PAREJA, AGRESIÓN SEXUAL O ACOSO**

1. Fecha en que la víctima recibió la solicitud por escrito: \_\_\_\_\_

2. Nombre de la víctima: \_\_\_\_\_

3. Su nombre (si usted no es la víctima): \_\_\_\_\_

4. Nombre(s) de otro(s) miembro(s) de la familia en el contrato de arrendamiento: \_\_\_\_\_

5. Residencia de la víctima: \_\_\_\_\_

6. Nombre del acusado (si se conoce y se puede divulgar con seguridad): \_\_\_\_\_

7. Relación del acusado con la víctima: \_\_\_\_\_

8. Fecha(s) y hora(s) del (los) incidente(s) (si las sabe): \_\_\_\_\_

10. Lugar del (los) incidente(s): \_\_\_\_\_

En sus propias palabras, describa brevemente el (los) incidente(s):


Esto es para certificar que la información proporcionada en este formulario es verdadera y correcta de acuerdo con mi mejor saber y entender, y que la persona mencionada anteriormente en el Número 2 es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso. Yo reconozco que presentar información falsa podría poner en peligro mi elegibilidad del programa y podría ser la base para denegar la admisión, terminar la asistencia o el desalojo.

Firma \_\_\_\_\_ Firmado el (Fecha) \_\_\_\_\_

**Carga de divulgación pública:** La carga de divulgación pública para recopilar esta información se estima en un promedio de 1 hora por respuesta. Esto incluye el tiempo para recopilar, revisar e informar

los datos. La información proporcionada debe ser utilizada por el proveedor de vivienda para solicitar la certificación de que el solicitante o inquilino es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso. La información está sujeta a los requisitos de confidencialidad de VAWA. Esta agencia no puede recopilar esta información, y usted no tiene la obligación de completar este formulario, a menos que muestre un número de control válido de la Oficina de Administración y Presupuesto (OMB, por sus siglas en inglés).