

**ELM CITY COMMUNITIES/HOUSING AUTHORITY OF THE CITY OF NEW HAVEN
INSTRUCTIONS FOR THE CERTIFICATION FORM FOR APPLICANTS
PROCEDURES FOR RELIEF OF LEASE VIOLATION ACTIONS FOR VICTIMS OF
DOMESTIC VIOLENCE, SEXUAL ASSAULT, DATING VIOLENCE OR STALKING
UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

The Violence Against Women Act, 42 U. S. C. 13701, requires a Resident of Low Income Public Housing (LIPH) of Elm City Communities/Housing Authority of the City of New Haven (ECC/HANH) who is claiming that he or she is a victim of domestic violence, sexual assault, dating violence or stalking (abuse) to certify that the incident or incidents are bona fide incidents of actual or threatened abuse.

ECC/HANH has created a program for victim of domestic violence, sexual assault, dating violence or stalking and who are not currently Residents of Low-Income Public Housing or Participants in the ECC/HANH's Housing Choice Voucher Program. Applicants should be currently homeless, or at risk or being homeless as a result of domestic violence, dating violence or stalking.

Goals and Objectives

This Policy has the following principal goals and objectives:

- A. To ensure the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking;
- B. To provide and maintaining housing opportunities for victims of domestic violence dating violence, or stalking;
- C. To create and maintaining collaborative arrangements between ECC/HANH, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, sexual assault, dating violence and stalking, who are assisted by ECC/HANH;

Definitions

As used in this Policy:

- A. *Domestic Violence* – 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, 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."

- B. *Sexual assault* – Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.
- C. *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.
- D. *Stalking* – means –
 - (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and
 - (B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to –
 - (i) that person;
 - (ii) a member of the immediate family of that person; or
 - (iii) the spouse or intimate partner of that person;
- E. *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 loco parentis* (*in the place of a parent*); or
 - (B) any individual, tenant, or lawful occupant living in the household of that individual.
- F. *Perpetrator* – means person who commits an act of domestic violence, dating violence or stalking against a victim.

Application Process

1. The certification may be a federal, state, tribal, territorial or local police or court record.
2. Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

3. The incident must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of the VAWA application.
4. The Applicant must return a complete and fully signed certification document and the police or court record to ECC/HANH within 14 business days of receiving the application form ECC/HANH's.
5. ECC/HANH will not disclose the information the Applicant provides on the certification form without your written consent except for as required by law.
6. Please return the certification to:
Ms. Teena Bordeaux
Reasonable Accommodations Manager
Elm City Communities/Housing Authority of the City of New Haven
360 Orange Street
New Haven, Connecticut 06511
7. If you have any questions, please contact Teena Bordeaux, Reasonable Accommodations Manager, at 498-8800, extension 1507.

Admissions and Screening

A. Non-Denial of Assistance. ECC/HANH will not deny admission to public housing or to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, sexual assault, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

B. Admissions Preference. Applicants for housing assistance from ECC/HANH will receive a preference in admissions by virtue of their status as victims of domestic violence, sexual assault, dating violence, or stalking. This preference is particularly described as follows:

- Applicants holding a place on any ECC/HANH wait list will be repositioned as outlined in the Admission and Continued Occupancy Plan (ACOP) or Administrative Plan.

C. Mitigation of Disqualifying Information. When so requested in writing by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, ECC/HANH, may but shall not be obligated to, take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, ECC/HANH shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information. ECC/HANH will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

- D. Mandatory Disqualify:** Former Housing Choice Voucher Participants and former Residents of any Low Income Public Housing program who were not in good standing at the time of exiting the program.

Unit Assignments for New Applicants

In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, sexual assault, dating violence, or stalking, HANH will approve the first available public housing unit of appropriate size as outlined by the Occupancy Standards found in ECC/HANH's ACOP. Applicants will receive one unit offer. Failure to accept this offer for any reason other than good cause will result in the applicant being removed from the wait list.

If a Public Housing unit of appropriate size is unavailable at any Public Housing development managed by ECC/HANH, the Executive Director *may* choose to provide the Applicant with a Housing Choice Voucher.

Unqualified Applicants

Unqualified applicants will be promptly notified by a Notice of Rejection from ECC/HANH, stating the basis for such determination stating the basis for such determination and offering an opportunity for an informal hearing (see **ECC/HANH Procedure for Informal Hearing for Rejected Applicants**).

Confidentiality

A. Right of confidentiality. All information (including the fact that an individual is a victim of domestic violence, sexual assault, dating violence or stalking) provided to HANH in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by ECC/HANH in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:

1. requested or consented to by the individual in writing, or
2. required for use in a public housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA, or
3. otherwise required by applicable law.

Elm City Communities/Housing Authority of the City of New Haven

**CERTIFICATION OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, DATING
VIOLENCE, OR STALKING**

CERTIFICATION MUST BE MADE AS PROVIDED IN *EITHER* SECTION A, OR SECTION B BELOW.

1. Date delivered to resident July 31, 2023
 2. Must complete and return form by August 18, 2023 (14 business days after resident's receipt).
 3. If you cannot complete form by this date, contact Teena Bordeaux 203 498 8800 ext. 1507
-

A. IF CERTIFICATION IS MADE BY PROVIDING POLICE REPORT OR COURT RECORD

1. Name of the victim of domestic violence, sexual assault, dating violence or stalking:

2. Victim's address _____

3. Victim's telephone number _____

4. Perpetrator's name, if known: _____

***Note:** The Victim is required to provide the name of the perpetrator only if the name of the perpetrator is safe to provide, and is known to the victim.

5. If perpetrator's name is not known, explain why: _____

5. Perpetrator's relation to victim: _____

6. Dates and description of the qualifying incidents:

7. Certification of the violence.

Attached is a copy of a police report, temporary or permanent restraining order, or other police or court record relating to the violence.

I hereby certify that the description of an incident or incidents of domestic violence, sexual assault, dating violence or stalking set forth in the attached police report or court record is true and correct.

Signature of resident: _____ Dated: _____

ECC/HANH VAWA Form 1

Page 2 of 2

B. IF CERTIFICATION IS BY AN EMPLOYEE, AGENT OR VOLUNTEER OF A VICTIM SERVICE PROVIDER, ATTORNEY OR MEDICAL PROFESSIONAL FROM WHOM THE VICTIM HAS SOUGHT HELP IN ADDRESSING DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING OR ITS EFFECTS, The SERVICE PROVIDER OR PROFESSIONAL must complete this section

1. Name of the victim of domestic violence, sexual assault, dating violence or stalking:

2. Victim's address: _____

3. Victim's telephone number: _____

4. Perpetrator's name, if known: _____

5. If perpetrator's name is not known, explain why: _____

6. Perpetrator's relation to victim: _____

7. Dates and description of the qualifying incidents: _____

[attach additional sheet if necessary]

8. Certification of the violence. A professional who helped the victim address the violence must complete the section below.

a. Name of person completing this section _____

b. What category best describes you? attorney medical professional victim service provider

c. Title _____ Phone _____

d. Agency / Business Name _____

e. Address: _____

I hereby certify under penalty of perjury that the foregoing is true and correct and I believe that the incident(s) described above are bona fide incidents of abuse.

Signature _____ Date Signed _____

Attested to as true and correct:

Signature of victim _____ Date Signed _____

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. Information provided is to be used by PHAs and Section 8 owners or managers to request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Purpose of Form: The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

Use of Form: A family member must complete and submit this certification, or the information that may be provided in lieu of the certification, within 14 business days of receiving the written request for this certification by the PHA, owner or manager. The certification or alternate documentation must be returned to the person and address specified in the written request for the certification. If the family member has not provided the requested certification or the information that may be provided in lieu of the certification by the 14th business day or any extension of the date provided by the PHA, manager and owner, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively "domestic violence") under the Section 8 or public housing programs apply.

Note that a family member may provide, in lieu of this certification (or in addition to it):

(1) A Federal, State, tribal, territorial, or local police or court record; or

(2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

TO BE COMPLETED BY THE VICTIM OF DOMESTIC VIOLENCE:

Date Written Request Received By Family Member:

Name of the Victim of Domestic Violence:

Name(s) of other family members listed on the lease

Name of the abuser:

Relationship to Victim:

Date & Time the incident of domestic violence occurred:

Location of Incident: _____

Continued on next page

Name of victim:

Description of Incident: