

VAWA Accommodation Request Form Project Based Programs¹

This form¹ should be completed by program participants who request assistance because a member of the household is a victim of domestic violence, dating violence, sexual assault or stalking. Please complete this form in full and a Violence Against Women Act (VAWA) Self-Certification Form (HUD Form 5382) and attach any other supporting documentation. Please note that though VAWA references women, rights and protections are extended to all victims independent of gender identity.

Person Requesting VAWA Accommodation² _____

Head of Household Name: _____

Assisted Address: _____

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

- Remove someone from the household
- Request a recalculation of my tenant share of rent
- Transfer within the project
- Transfer to another supportive housing project
- Other _____

Have you completed the HUD Form 5382 (VAWA Self Certification Form)? Yes No

Are there Children in the Household? Yes No

If yes, where are they currently living: _____

Where are you currently living (if different than the assisted address)? _____

Telephone Number: _____ Email: _____

What is the best way and time to reach you? _____

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

Name: _____ Preferred Contact Number: _____

Relationship: _____ Email: _____

¹ This form should be completed by residents in projects assisted by MOD Rehab and Continuum of Care Programs (Shelter Plus Care or MOD SRO). Residents in buildings assisted by the Project Based Voucher (PBV) should complete the Housing Choice Voucher VAWA Accommodation Form.

² Please note that if you are not the Head of Household taking action on your request may require notifying the head of household of this request and making adjustments to the official head of household associated with the subsidy. Be sure to have a safety plan in place if this will jeopardize your safety. You can refer to the VAWA FAQ for a list of resources available to you in developing that safety plan.



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

- Order of Protection (Criminal or Family Court)
- Police Report for Domestic/Criminal Incident
- Hospital Inpatient letter documenting assault
- Advocacy letter from social service provider, ACS, medical professional, NY District Attorney, or US Attorney (All letters must include a VAWA Third Party Certification Form and must also be signed by you.)
- Documentation of custody of children in the household (if applicable)

Please note that if you are not the head of household, documents you provide and give HPD permission to share in a Consent to Release Information Form may be shared with the head of household at a conference and or informal hearing or any further legal action that is related to determining who will have use of rent subsidy.

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

I certify that the above information and supporting documentation is true to the best of my knowledge. I understand that supplying false statements and information can lead to a denial of my emergency move request and jeopardize my housing subsidy.

Tenant Signature: _____ **Date:** _____

For HPD Use Only

Date reviewed: _____ HPD Program _____

Approved? Yes No

Notes: _____

Director/Coordinator Signature: _____ Date _____

**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): _____

<p>In your own words, briefly describe the incident(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>

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.

VAWA : CoC (Shelter Plus Care + Mod SRO)

Frequently Asked Questions



HPD Division of Tenant Resources

100 Gold St., NY, NY 10038 • DTR_VAWA@hpd.nyc.gov • 917-286-4300

What rights do I have as a victim of violence?

Victims of domestic violence, dating violence, sexual assault, and stalking are eligible for accommodations related to their housing assistance under the **Violence Against Women Act (VAWA) of 2013**. If you are a victim of violence other than sexual assault or stalking and the violence was **not** committed by an intimate partner, VAWA does not apply to you. If you need help with a **transfer**, speak with an HPD Special Needs Housing staff member by emailing CoC_EMR@hpd.nyc.gov or calling the Director of CoC Contracts at **212-863-8548**. If you need help with something **other than a transfer**, email DTR_VAWA@hpd.nyc.gov or call **917-286-4300**.

Where can I find help?

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

- ◆ **Bronx:** 198 E. 161 St., 2nd Floor.
718-508-1220
- ◆ **Brooklyn:** 350 Jay St.
718-250-5111
- ◆ **Manhattan:** 80 Centre St.
212-602-2800
- ◆ **Queens:** 126-02 82nd Ave.
718-575-4545
- ◆ **Staten Island:** 126 Stuyvesant Pl.
718-697-4300

What is VAWA?

The **Violence Against Women Act (VAWA) of 2013** is a federal law that protects you from having your housing subsidy denied, or terminated, or from being evicted from your apartment because you are a victim of *domestic violence, dating violence, sexual assault, or stalking*. VAWA gives rights to all household members subsidized under the **Continuum of Care (CoC) program (Shelter Plus Care and CoC Mod SRO)**, regardless of sex, gender identity, or sexual orientation. **HPD's Division of Tenant Resources (DTR)** can assist with your subsidy and the **Division of Special Needs Housing (SNH)** can help with transfers and eligibility. You are also encouraged to get help from other social service, health or legal providers.

What can I do with VAWA rights?

How you can use your rights depends on if you are the head of the household or qualifying member for the subsidy. If you are **the head of household**, you may:

- ◆ request for HPD SNH to transfer you to a different supportive housing unit, and/or
- ◆ request for HPD DTR to remove the abuser from your subsidy (you will still have to contact management to remove them from your lease).

If you are **not the head of household**:

- ◆ After the lease ends, you will need to move unless a remaining household member can document eligibility for Continuum of Care rental assistance at the time you moved into the unit.

If you need help determining if you can use VAWA rights, or more information about your options:

email: CoC_EMR@hpd.nyc.gov;

DTR_VAWA@hpd.nyc.gov

call: 212-863-8548 (SNH) or 917-286-4300 (DTR)

visit: 100 Gold St., New York, NY 10038

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

You do **not** need to be living in the unit in order to use your VAWA rights, but you **must** let management and HPD know if you leave the assisted address to stay somewhere else. Please use the contact information on this page to notify HPD of any changes to your mailing address or other contact information, and please see Page 4 for more information about moving if you will also be giving up legal possession of the subsidized unit.

Am I eligible for VAWA rights?

You may have VAWA rights if an **intimate partner** used violence against you in the following ways:

- ◆ Felony or misdemeanor violent crimes (such as harassment, assault, or strangulation).

Examples of an **intimate partner** include:

- ◆ a current or former spouse,
- ◆ a person with whom you share a child,
- ◆ a romantic partner with whom you live, and/or
- ◆ a person that you are dating or have dated.

You may also have VAWA rights if someone (not necessarily an intimate partner):

- ◆ Forced you to perform sexual acts against your will, and/or
- ◆ Stalked you and caused substantial distress and fear for your safety.

How do I request VAWA accommodation?

In order request accommodation you must provide:

- ◆ A **VAWA Accommodation Request** form from the **HPD VAWA Packet (CoC)** located on HPD's website at <http://www1.nyc.gov/site/hpd/section-8/forms-and-resources.page> or in Client Services at 100 Gold Street
- ◆ A completed **HUD Self-Certification form 5382** from the **HPD VAWA Packet (CoC)** located on HPD's website or in Client Services

You may also provide:

- ◆ Federal, state, local, tribal or territorial police or court records, and/or
- ◆ Supporting documentation from other parties, such as: a victim service provider, attorney, or health care professional that provided services relating to this claim. HPD can coordinate with other professionals that you are working with if you sign a **VAWA Consent to Release Information**. Any other party that completes a letter for you must also complete the **VAWA Third Party Certification** statement that you must also sign.

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

Where do I submit VAWA documentation?

Where you submit VAWA documentation depends on what you want to do:

- ◆ **Transfer to other supportive housing:** submit to HPD Special Needs Housing (SNH) at CoC_EMR@hpd.nyc.gov or call **212-863-8548**.
- ◆ **Remove someone from the household composition/subsidy:** submit to HPD Div. of Tenant Resources (DTR) at DTR_VAWA@hpd.nyc.gov, or fax **212-863-5103**, or **100 Gold Street**.
- ◆ **Request a recalculation of your rent:** submit to **HPD DTR**.
- ◆ **Become the head of household:** submit to **HPD SNH**.

HPD Contact Information

Email:
DTR_VAWA@hpd.nyc.gov [DTR]
CoC_EMR@hpd.nyc.gov [SNH]

Phone:
 917-286-4300 [DTR]
 212-863-8548 [SNH]

Fax:
 212-863-5103

Address:
 100 Gold St., NY, NY 10038

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

HPD wants to protect your privacy and the information you provide along with your VAWA claim. If you need to provide HPD additional information from others (legal or supportive services, etc.), you can agree to have HPD communicate with anyone you choose in order to exchange information. In addition, HPD may need to use your information in order to approve your request(s). If your request is to become the head of household, the VAWA information you choose to share may be disclosed to the current HOH during HPD proceedings. It may also be disclosed during future legal proceedings, should there be any.

How do I remove an abuser from my housing subsidy?

If you are the head of household, you must complete the **Request to Remove Household Member** form (also available online at <http://www1.nyc.gov/site/hpd/section-8/forms-and-resources.page> or from Client Services) to remove a person from your household composition/subsidy. You will need to provide supporting documentation and contact information for the abuser, if you have it. If you are **not the head of household**, and:

- ◆ You met the eligibility requirements (of disability and chronic homelessness) for the Continuum of Care when you entered the program, **and** the abuser has left the lease for the apartment, then you may be able to stay in the unit and remove the abuser from the subsidy.

How can I stay in the unit if the qualifying member was removed?

If you are **not the head of household (HOH)** and want to use your VAWA rights to stay in the unit, please complete the **VAWA Accommodation Request** form and the **HUD Self-Certification (form 5382)**. You may also provide any additional documentation that supports your claim as a victim of domestic violence, dating violence, sexual assault, and/or stalking. In order to stay in the unit, you would have had to meet the eligibility requirements (of disability and chronic homelessness) for the Continuum of Care at the time you entered the program. In addition, the abuser would need to be removed from the lease.

Because the subsidy is tied to the unit, HPD must terminate the HOH's subsidy in order to transfer it to you. You may be asked to sign a **VAWA Consent to Release Information** form so that the documents you choose can be used to evaluate if the subsidy can be transferred. Signing this form is optional, and any information collected may be used in HPD proceedings. If you have concerns about your documentation, please share them with an HPD Supervisor.

The transfer of subsidy process includes:

- ◆ HPD reviewing the documentation you provided and issuing a pre-termination notice to the current head of household (HOH).
- ◆ Next, the HOH may request a conference with HPD, at which they will discuss the reason for termination. The HOH will also have the opportunity to provide their own documentation to HPD.
- ◆ After, if HPD decides to terminate the subsidy, HPD will issue a termination notice to the HOH, who can then request an Informal Hearing with the HPD Appeals Unit.
- ◆ Lastly, the provider needs to evict the HOH before any other eligible household members can stay in the unit.

This process may take months. If you leave the unit during this time, contact CoC_EMR@hpd.nyc.gov or call **212-863-8548**. During this process, HPD will share any information you have allowed the agency to share with the HPD Appeals Unit staff, the hearing officers, and with the abuser and their representative (if they have one).

What if the abuser is out of the unit and I'm not eligible for the Continuum of Care program?

You would be allowed to stay in the unit until the end of the lease. When the lease expires, the rent subsidy would end and you would have to find a new apartment. You should work with your provider, and SNH may be able to identify some unassisted units to help your search, but you should plan to search too.

What if I have children?

HPD considers the role of minor children and any court decisions in VAWA and family breakup situations.

How do I move to a different apartment?

You have a *project based subsidy*, which means that your rental assistance is tied to the unit and not you. If you are requesting a transfer to another CoC unit, please contact HPD Special Needs Housing by emailing CoC_EMR@hpd.nyc.gov or calling **212-863-8548**. They can help identify any available CoC units. If you move to another building or apartment that is not under a CoC contract, you cannot receive CoC rental assistance for that unit and your CoC subsidy will end.

What if my partner and I have VAWA claims against each other?

CoC rental assistance is project based, meaning the subsidy is tied to the unit and cannot be taken elsewhere. HPD will evaluate the claims and determine who will stay in the unit. HPD will consider minor children, and any court or administrative decisions. Since this is a supportive housing program, HPD may also consider who is eligible (by disability and chronic homelessness) for the CoC program.

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

If you are eligible for the Continuum of Care program, please speak with HPD Special Needs Housing staff to see what your options are. Please complete the **VAWA Accommodation Request** form and the **HUD Self-Certification (form 5382)** located in the **HPD VAWA Packet (CoC)** (available online at <http://www1.nyc.gov/site/hpd/section-8/forms-and-resources.page> or in Client Services).

In addition, you may apply for **VAWA Self-Petitioner Status** through the Department of Homeland Security (DHS). While you apply, your housing subsidy may be protected if you qualify for the Continuum of Care program. You cannot apply for VAWA Self-Petitioner Status through HPD, but can receive help from legal resources. You can find legal resources by calling **311** or visiting a **Family Justice Center** location that is listed above. HPD can provide further assistance with your VAWA rights after you applied for VAWA Self-Petitioner Status.



How do I report a crime?

Call 911 or visit a police precinct. Victims of domestic violence do not have to report in the same precinct where the incident occurred. Each police precinct has **Crime Victim Advocates** and a **domestic violence unit** with a Sergeant and several Domestic Violence Prevention Officers. You can ask to speak to them.

When a police officer responds to an incident, they are required to investigate and must make every effort to interview you and the abuser separately. They may also ask to see and photograph any injuries or damage. Police officers generally write **Domestic Incident Reports (DIR)** for every DV call to which they respond and provide you with a copy. For criminal level / violation offenses, they also complete a complaint report (UF-61). Police make arrests in domestic violence cases when there is probable cause to believe that a family offense misdemeanor or felony was committed. In any case, they arrest when an order of protection was violated.

Are you in a relationship
that makes you feel
scared, hurt or unsafe?

New York City Family Justice Centers

The New York City Family Justice Centers provide **FREE** and **CONFIDENTIAL** assistance to survivors of intimate partner violence, sex trafficking and elder abuse. We welcome people of all ages, sexual orientations and gender identities, regardless of what language you speak, your immigration status or your income.

All Centers are open Monday through Friday from 9:00AM – 5:00PM.

Spoken translation services are available at every Center.

No appointment necessary.

NYC Family Justice Center, Bronx
198 East 161st Street, 2nd Floor
(718) 508-1220

Subway: **4 B D** to Yankee Stadium
Bus: BX1, BX2, BX6 and BX13

NYC Family Justice Center, Brooklyn
350 Jay Street
(718) 250-5111

Subway: **A C F R** to Jay Street
or **2 3 4 5** to Borough Hall
Bus: B25, B26, B38, B54, B57, B61, B62, B65,
B67, B75 and B103

NYC Family Justice Center, Manhattan
80 Centre Street
(212) 602-2800

Subway: **4 5 6** to Brooklyn Bridge-City Hall
J Z to Chambers Street
N Q R to Canal Street
1 2 3 A C to Chambers Street
Bus: M5, M9, M22 and M103

NYC Family Justice Center, Queens
126-02 82nd Avenue
(718) 575-4545

Subway: **E F** to Kew Gardens-Union Turnpike
Bus: Q10, Q37, Q46 and Q60

NYC Family Justice Center, Staten Island
126 Stuyvesant Place
(718) 697-4300

Close to the St. George Ferry terminal
Staten Island Railroad to St. George
Bus: S40, S42, S44, S46, S48, S51, S52, S61, S62, S66, S74,
S76, S78, S81, S84, S86, S90, S91, S92, S94, S96 and S98

How Can the Family Justice Centers Help Me?

The Centers provide many services all at one location:

Case Managers can help you plan for your safety and provide advice and referrals for public benefits, housing, shelter and other needs.

Counselors, Therapists and Psychiatrists can help support adults and children dealing with the emotional and psychological impact of intimate partner violence.

Economic Empowerment Services are available to help you with budgeting, credit repair, other financial issues and referrals to job training and educational programs.

Lawyers can advise and represent people in orders of protection, child support, custody, visitation, divorce and immigration matters, and can give referrals for other legal issues.

Domestic Violence Prevention Officers from the New York City Police Department can assist with filing police reports and getting police paperwork.

Prosecutors from the District Attorney's Office are specially trained in domestic violence prosecutions and can provide information about criminal cases.

The NYC Sheriff's Office is available to assist with serving civil court documents and connected services.

Child Care is also available while you are receiving services at the Family Justice Center!

Thinking About Your Safety

Here are a few things to consider about safety:

Tech Safety

- Does your partner have access to your phone, email, social media accounts or anything else that gives them information about where you are or who you are with? Consider changing your passwords and settings.

If you decide to leave your partner

- Have you packed a bag with things that you will need, like clothes, medicine and important documents (ID, birth certificates, passports, etc.)? Try to keep copies of documents with someone you can trust or somewhere your partner can't access.
- Is there somewhere you can go where your partner will not be able to find you? You can call the NYC Domestic Violence Hotline at 1-800-621-HOPE (4673) to look for a safe place you can go.

If you have children

- Do they know how to call 911 in case of an emergency?
- Does the school or day care know who can pick them up? If you have an order of protection and/or order of custody/visitation, make sure the school or day care has a copy.

Remember

- If you are in immediate danger, you can call 911.
- You can call the NYC Domestic Violence Hotline at 1-800-621-HOPE (4673) 24 hours a day for immediate safety planning and shelter assistance.
- You can go to a Family Justice Center Monday through Friday, between the hours of 9:00 a.m. and 5:00 p.m., to create a full plan for your safety and discuss options with a case manager.