

## **MIAMI-DADE HOUSING AGENCY STATEMENT OF POLICY ON VIOLENCE AGAINST WOMAN ACT**

Under the Violence against Women Act (VAWA), Public Housing Agencies are required to implement internal policies to include provisions for protection of victims of domestic violence, dating violence, sexual assault, sexual battery and stalking (domestic violence).

Miami-Dade Housing Agency (MDHA) has sent notifications to its applicants and residents about the protections afforded by VAWA, and provided them with HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* to be used by alleged victims of domestic violence. MDHA has included in its Admission and Continued Occupancy Policy (ACOP) and Section 8 Administrative Plan policies and procedures on handling victims of domestic violence, as follows:

### **Admission and Continued Occupancy Criteria**

1. An applicant cannot be denied admission or assistance solely because the person has been a victim of domestic violence.
2. Residents or tenants who are victims of domestic violence must be handled as an exception to the federal One Strike Rule under documented incident of actual or threatened domestic violence.
3. Domestic violence does not qualify as a serious or repeated violation of the lease for terminating assistance, tenancy, or the occupancy rights of the victim.
4. MDHA may allow for the perpetrator of domestic violence to be removed from the lease, while the remaining family members stay in the assisted unit, upon approval of the division director.
5. Proven victims of domestic violence will be considered for emergency transfers.
6. Subject to funding availability, the issuance of a Section 8 voucher may be offered to the victimized family.

### **Evidence Required as Proof of Domestic Violence**

When confronted with cases of domestic violence, MDHA must provide the alleged victim with HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* and request documentation to substantiate the victim's statement, which may include:

- A listing of the approximate dates when each incident occurred, discussion of the applicant's fears and injuries and the effect that each abusive incident has had on the applicant and her/his family.
- Restraining or civil protection orders.
- Medical records.
- Police reports, records of telephone calls or visits to the victim's address. This may include telephone calls to the police registering a complaint, a log of police runs made to the residence, copies of all tapes and reports written by officers responding to a call.
- Criminal court records if a batterer was arrested or convicted of any act of domestic violence or destruction of property relating to the victim (certified copies); a victim's own statement to police or prosecutors, which can be obtained from the prosecutor's office.
- Statements of workers from a domestic violence shelter or other domestic violence programs attesting to the time the victim spent in the shelter and the reason as linked to incidents of abuse.
- Statement from counselors, if victim attended counseling.

- Reports, statements from police, judges and other court officials, clergy, social workers and other social service agencies.
- Other credible evidence as corroborated by law enforcement or domestic violence providers.

### **Considerations for Victims of Domestic Violence**

MDHA must consider:

- a. The nature and severity of each case and exercise discretion on whether or not family members or their guests may threaten the health, safety, or right to peaceful enjoyment of the premises by others.
- b. The effects of denial or termination of assistance on other family members who were not involved in the offense.
- c. The conditions barring the culpable household member from residing in or visiting the unit.
- d. The circumstances relevant to an eviction or termination of tenancy based on the extent to which the person has shown personal responsibility to prevent the offending action, and the time that has elapsed since their arraignment for that crime.
- e. The range of evidence as proof of domestic violence, which may include, but is not limited to victim's statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident, utilizing form HUD-50066.

### **Protection to Victims of Domestic Violence**

1. MDHA shall refer victims of domestic violence to the State of Florida Office of the Attorney General to apply for participation in the Address Confidentiality Program for Victims of Domestic Violence. Once the victim has applied, the address, telephone number and social security number are exempt from public review, except when the information is required by a law enforcement agency.
2. In determining if eviction is appropriate, MDHA must consider the safety and well-being of victims, as well as the health, safety and peaceful enjoyment of other residents who may be affected by incidents or domestic violence.
3. MDHA has developed linkages to counseling and law enforcement entities such as the Department of Human Services (DHS) and the Office of the Inspector General (OIG).
4. The information under the *Certification of Domestic Violence* will remain confidential and will be used by MDHA only to provide the victims with the exceptions and protections under VAWA.
5. MDHA must ensure that private information of victims of domestic violence is protected in accordance with the Records Management provisions found in the ACOP and Section 8 Administrative Plan.