Resolution 2026-05

HAVRE DE GRACE HOUSING AUTHORITY

A Resolution of the Board of Commissioners Adopting the Violence Against Women Act Policy

WHEREAS the Violence Against Women Act ("**VAWA**") is a federal law originally enacted in 1994 that protects individuals who are survivors of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, sexual orientation, or gender identity; and

WHEREAS on March 15, 2022 VAWA was reauthorized and amendments were enacted to strengthen the law by providing special protections for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking who are applying for or receiving assistance under federal housing programs; and

WHEREAS in 2023, the U.S. Department of Housing and Urban Development ("**HUD**") issued a notice, highlighting key changes to VAWA that are relevant to public housing agencies and HUD recommended that public housing agencies implement the VAWA policy, as amended by the 2022 statute; and

WHEREAS the VAWA policy attached hereto as Exhibit A is presented for adoption by the Board of Commissioners.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners that:

1. The VAWA policy attached hereto as Exhibit A is hereby adopted and approved for implementation.

2. The Managing Agent for HDGHA, or her designee, is authorized to perform all appropriate acts and execute all appropriate documents to carry out this resolution consistent with its terms.

PASSED, ADOPTED AND APPROVED by the Commissioners of the Board present on April 13, 2026.

Michele Ball, Chair

George Kasnic, Vice Chair

Carrie Parsons-Dobney, Commissioner

Sharon Jacobs, Commissioner

Dawn Nowak, Commissioner

EXHIBIT A

VIOLENCE AGAINST WOMEN ACT POLICY

Adopted by the HDGHA Board of Commissioners:

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HAVRE DE GRACE HOUSING AUTHORITY

VIOLENCE AGAINST WOMEN ACT

I. OVERVIEW

The Violence Against Women Act (VAWA) is a federal law originally enacted in 1994 that protects individuals who are survivors of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, sexual orientation, or gender identity. On March 15, 2022 the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) was enacted and many provisions became effective on October 1, 2022. VAWA 2022 reauthorizes, amends, and strengthens the Violence Against Women Act of 1994, as amended (VAWA) (Pub. L. 103-322, tit. IV, sec. 40001-40703; 42 U.S.C. 13925 *et seq.*).VAWA 2022 provides special protections for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking who are applying for or receiving assistance under the public housing program. If Maryland or local law provides greater protection for such victims, such law will apply in conjunction with VAWA.

- Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 the U.S. Department of Housing and Urban Development (HUD) began including human trafficking as part of the list of victims protected under VAWA.[1] In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

In addition to definitions of key terms used in VAWA 2022, this policy contains general VAWA requirements and HDGHA policies in three areas: notification, documentation, and confidentiality.

II. DEFINITIONS[2]

As used in VAWA:

- The term "affiliated individual" means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that person stands in the position or place of a parent; or
  - Any individual, resident or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term "bifurcate" means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain residents can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

[1] See Notice PIH 2022-24
[2] See 24 CFR 5.2003, FR Notice 8/6/13

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

- The term "domestic violence" includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:
  - The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim.
  - A person who is co-habitating or has co-habitated with the victim as a spouse or intimate partner.
  - A person with whom the victim shares a child in common.
  - A person who commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction.
- The term "economic abuse" means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, and manipulation to:
  - Restrict a person's access to money, assets, credit, or financial information
  - Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage
  - Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty
- The term "sexual assault" means:
  - Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent
- The term *stalking* means:
  - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
- The term "technological abuse" means an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:

    - Internet enabled devices
    - Online spaces and platforms
    - Computers
    - Mobile devices
    - Cameras and imaging programs
    - Apps
    - Location tracking devices
    - Communication technologies
    - Any other emergency technologies

III. NOTIFICATION[3]

Notification to Public

HDGHA will provide notice to the public to help ensure that all actual and potential beneficiaries of its public housing program are aware of their rights under VAWA.

HDGHA 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 copy of Form HUD-5380, Notice of Occupancy Rights under VAWA, to public housing 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
- A copy of Form HUD-5383, HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383
    - The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY)
- Contact information for local victim advocacy groups or service providers

Notification to Applicants and Residents[4]

HDGHA will inform public housing applicants and residents of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

HDGHA will distribute a notice of VAWA rights, along with the VAWA self-certification form (HUD-5382) at each of the following junctures.

- HDGHA will provide all residents with information about VAWA at the time of admission.
- HDGHA will include information about VAWA in notices of denial of assistance.
- HDGHA will provide all residents with information about VAWA at the annual reexamination.
- HDGHA will include information about VAWA in lease termination notices.

HDGHA is not limited to providing VAWA information at the times specified above. Whenever HDGHA has reason to suspect that providing information about VAWA to a public housing resident might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or have the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, HDGHA may decide not to send mail regarding VAWA protections to the victim's unit if HDGHA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

[3] See 24 CFR 5.2005(a)
[4] See 24 CFR 5.2005(a)(1)

When discussing VAWA with the victim, HDGHA will take reasonable precautions to ensure that no one can overhear the conversation. For example, HDGHA will have the conversation in a private room. The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

IV. DOCUMENTATION[5]

If HDGHA is presented with a claim for initial or continued assistance based on the person's status as a victim of domestic violence, dating violence, sexual assault, stalking, human trafficking, or criminal activity related to any of these forms of abuse, HDGHA may, but is not required to, request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. HDGHA may extend this time period at its discretion.[6]

The individual may satisfy HDGHA's request by providing any one of the following three forms of documentation[7]:

(1) A completed and signed HUD-approved certification, Form HUD-5382 - Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the victim can safely provide the name of the perpetrator and the perpetrator is known to the victim. The form may be filled out and submitted on behalf of the victim; or

(2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record; or

(3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, stalking, or human trafficking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical 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.

HDGHA may not require third-party documentation in addition to certification, except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation.[8]

Conflicting Documentation[9]

If presented with conflicting certification documents from members of the same household, HDGHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made. When requesting third-party documents, HDGHA will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or residents will be given 30 calendar days from the date of the request to provide such documentation.

[5] See 24 CFR 5.2007
[6] See 24 CFR 5.2007(a)
[7] See 24 CFR 5.2007(b)
[8] See FR Notice 11/16/16
[9] See 24 CFR 5.2007(e)

If HDGHA does not receive third-party documentation within the required timeframe (and any extensions) HDGHA will deny VAWA protections and will notify the applicant or resident in writing of the denial. If, as a result, the applicant or resident is denied or terminated from the program, HDGHA will hold separate hearings for the applicants or residents.

Discretion to Require No Formal Documentation[10]

HDGHA has the discretion to provide benefits to an individual based solely on corroborating evidence (i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).) HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

Failure to Provide Documentation[11]

In order to deny relief for protection under VAWA, HDGHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as HDGHA may allow, HDGHA may deny relief for protection under VAWA.

V. CONFIDENTIALITY[12]

All information provided to HDGHA regarding domestic violence, dating violence, sexual assault, stalking, or human trafficking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, must be retained in confidence. Therefore, HDGHA may not: (1) enter the information into any shared database, (2) allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law. If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, HDGHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

[10] See 24 CFR 5.2007(d)
[11] See 24 CFR 5.2007(c)
[12] See 24 CFR 5.2007(b)(4)