



## Fort Worth Housing Solutions Policy

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<b>Policy Name:</b>	<b>Violence Against Women Act (VAWA)</b>
<b>Supporting Procedure(s):</b>	<b>N/A</b>
<b>Approval Date:</b>	<b>09-26-2024</b>
<b>Business Owner (BO) Title:</b>	<b>Senior Vice President/Deputy Director</b>
<b>Department:</b>	<b>Housing Operations and Client Services (HOCS)</b>

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## Overview

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### Policy Statement

FWHS shall implement the Violence Against Women act and Department of Justice Reauthorization Act of 2013 (VAWA), which prohibits the eviction of, and removal of assistance from, certain persons living in or public or Section 8 assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA (42 U.S.C. 13925). (Refer to Addendum XXIII) To ensure compliance with federal regulations, the Board of Commissioners hereby adopt Resolution Number 2024-26, on 09-26-2024, to establish a Violence Against Women Act Policy.

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### Purpose

The purpose of this Policy is to reduce domestic violence, dating violence, and stalking and to prevent homelessness by:

- Protecting the safety of victims;
- Creating long-term housing solutions for victims;
- Building collaborations among victim service providers; and
- Assisting FWHS to respond appropriately to the violence while maintaining a safe environment for FWHS, employees, tenants, applicants, Housing Choice Voucher participants, program participants and others.

The policy will assist Fort Worth Housing Solutions (FWHS) in providing rights under the Violence Against Women Act to its applicants, public housing residents, Housing Choice Voucher participants and other program participants.

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### Applicability

This policy is incorporated into FWHS’s “Admission and Continuing Occupancy Policy”, and “Housing Choice Voucher Program Administrative Plan” and applies to all FWHS housing programs.

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### Definitions and Acronyms

The definitions in this Section apply only to this Policy:

- **Bona Fide Claim:** A bona fide claim of domestic violence, dating violence or stalking must include incidents that meet the terms and conditions in the above definitions.
- **Confidentiality:** FWHS will not enter information provided to FWHS by a victim alleging domestic violence into a shared database or provide this information to any related entity except as stated below.
- **Dating Violence:**  
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 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.
- **Hearing Decisions Regarding Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Texas, or committed 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 Texas.
- **Affiliated Individual:** A spouse, parent, brother or sister; or child of a victim or an individual to whom the victim stands in loco parentis; or any other person living in the household of the victim.
- **Perpetrator:** A person who commits an act of domestic violence, dating violence, sexual assault, or stalking against a victim.
- **Sexual Assault:** means any nonconsensual sexual act proscribed by Federal, Tribal or State law, including when the individual lacks capacity to consent.

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- **Stalking:** (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the victim; or (d) to cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse of intimate partner of the victim.
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### 1.0 Policy

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#### 1.A. Certification and Confidentiality

The person claiming protection under VAWA shall provide a complete and accurate certification to a FWHS owner or manager within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days a FWHS owner or manager may take action to deny or terminate participation or tenancy.

All information (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking) provided to FWHS or to an owner or manager in conjunction with any other FWHS program shall be retained by the receiving party 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 other program assistance as permitted in VAWA, or
3. Otherwise required by applicable law.

All program participants shall be notified in writing concerning their rights to confidentiality and the limits on such rights to confidentiality.

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#### 1.B. HUD Approved Certification

For each incident that a person is claiming as abuse, the person may certify to FWHS, owner or manager their victim status by completing a HUD approved certification form (form HUD-50066). The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other identification, only if it is safe to do so or is known to the victim.

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#### 1.C. Other Certifications

A person who is claiming victim status may provide to FWHS, an owner or manager:

- Documentation signed by the victim and 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 the abuse, in which the professional

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attests under penalty of perjury the professional's belief that the incident(s) in question are bona fide incidents of abuse; or

- A federal, state, tribal, territorial, local police or court record.
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### 1.D. Confidentiality

FWHS and the owner and managers shall keep all information provided to FWHS under this section confidential. FWHS and owner and manager shall not enter the information into a shared database or provide to any related entity except to the extent that:

- The victim requests or consents to the disclosure in writing;
  - The disclosure is required for eviction from public housing and/or termination of Housing Choice Voucher or Project Based Rental Assistance; or
  - The disclosure is required by applicable law.
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### 1.E. Appropriate Basis for Denial of Admission, Assistance, or Tenancy

FWHS shall not deny participation or admission to a program on the basis of a person's abuse status, if the person otherwise qualifies for admission of assistance.

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be a serious or repeated violation of the lease by the victim and shall not be good cause for denying to a victim admission to a program, terminating Housing Choice Voucher assistance or occupancy rights, or evicting a tenant.

Criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim of that domestic violence, dating violence or stalking.

Notwithstanding, FWHS, an owner or manager may bifurcate a lease to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant.

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Nothing in the previous sections shall limit the authority of FWHS, an owner or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members when the family breaks up.

Nothing in the previous sections shall limit FWHS, an owner or manager's authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant's household. However, FWHS, owner or manager may not hold a victim to a more demanding standard.

Nothing in the previous sections shall limit FWHS, an owner or manager's authority to evict or terminate assistance, or deny admission to a program if FWHS, owner or manager can show an actual and imminent threat to other tenants, neighbors, guests, their employees, persons providing service to the property or other if the tenant family is not evicted or terminated from assistance or denied admission. Nothing in the previous sections shall limit FWHS, an owner or manager's authority to deny admission, terminate assistance or evict a person who engages in criminal acts including but not limited to acts of physical violence or stalking against family members or others.

A housing assistance recipient who moves out of an assisted dwelling unit to protect their health or safety and who: (a) is; (a) victim under this Policy; (b) reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the unit; and (c) has complied with all other obligations of the housing program may be relocated to another safe unit.

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### **1.F. Actions Against a Perpetrator**

FWHS can take action against a perpetrator of domestic violence. The victim shall take action to control or prevent the domestic violence, dating violence, sexual assault, or stalking. The action may include but is not limited to:

- (a) Obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator;
- (b) Obtaining and enforcing a trespass against the perpetrator;
- (c) Enforcing FWHS or law enforcement's trespass of the perpetrator;
- (d) Preventing the delivery of the perpetrator's mail to the victim's unit;

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- (e) Proving identifying information; and;
- (f) Other reasonable measures.

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### **1.G. FWHS Right to Terminate Housing and Housing Assistance Under This Policy**

Nothing in this Policy will restrict FWHS, owner or manager's right to terminate tenancy for lease violations by a resident who claims VAWA as a defense if it is determined by FWHS, owner or manager that such a claim is false.

Nothing in this Policy will restrict FWHS right to terminate tenancy if the victim/tenant:

1. Allows a perpetrator to violate a court order relating to the act or acts of violence; or
2. Allows a perpetrator who has been barred from FWHS property to come onto FWHS property including but not limited to the victim's unit or any other area under their control
3. Who claims as a defense to an eviction or termination action relating to domestic violence has engaged in fraud and abuse against a federal housing program; especially where such fraud and abuse can be shown to have existed before the claim of domestic violence was made. Such fraud and abuse include but is not limited to unreported income and ongoing boarders and lodgers violation, or damage to property.

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### **1.H. Statements of Responsibility**

A tenant victim has no less duty and responsibility under the lease to meet and comply with the terms of the lease than any other tenant not making such a claim. Ultimately all tenants must be able to take personal responsibility for themselves and exercise control over their households in order to continue their housing and housing assistance. FWHS will continue to issue lease violation notices to all residents who violate the lease including those who claim a defense of domestic violence. FWHS recognizes the pathologic dynamic and cycle of domestic violence and will work with victims of domestic violence partnering with other local victim support service providers to help victims break the cycle of domestic violence through counseling and the development of an agreed to Safety Plan.

- A tenant victim who claims as a defense to a lease violation that the violation is directly related to domestic violence will be referred to a domestic violence advocacy program.

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- A tenant victim must take personal responsibility for exercising control over their household by accepting assistance and complying with the Safety Plan. Failure to do this will be seen as other good cause.
- All damages including lock changes will be the responsibility of the tenant victim. This is in keeping with other agency policies governing tenant caused damages.

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### **1.I. Notice to Applicants, Participants, Tenants, and Owners**

FWHS shall provide notice to applicants, participants, tenants, managers and owners of their rights and obligations.

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### **1.J. Reporting Requirements**

FWHS shall include in its 5-year plan a statement of goals, objectives, policies or programs that will serve the needs of victims. FWHS shall also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

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### **1.K. Conflict and Scope**

This Policy does not enlarge FWHS's duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this Policy conflicts with another FWHS policy such as its Housing Choice Voucher Administrative Plan or the Public Housing Admissions and Continued Occupancy Policy, this Policy will control.

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### **1.L. Transfers**

FWHS provides that the family may move in violation of the lease if the family has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

If the circumstances described above exist, FWHS may allow a family to move if the only basis for the denial is that the family is violating the lease agreement. FWHS may request that the family provide the HUD- approved certification form



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(form HUD-50066), or other acceptable documentation in order to verify the family's claim that the request to move is prompted by incidences of abuse in the unit.

In cases where FWHS determines that the family's decision to move was reasonable under the circumstances, FWHS may wholly or partially waive rent payments, and any rent owed shall be reduced by the amounts of rent collected for the remaining lease term from a tenant subsequently occupying the unit.

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### **1.M. Court Orders/Family Break-up**

It is FWHS's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by FWHS and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

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### **1.N. Relationships with Service Providers**

It is the policy of FWHS to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If FWHS staff become aware that an individual assisted by FWHS is a victim of domestic violence, dating violence, sexual assault or stalking, FWHS will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring FWHS either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence or to make a referral in any particular case. FWHS's VAWA Emergency Relocation plan shall describe providers of shelter or services to victims of domestic violence with which FWHS has referral or other cooperative relationships.

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### **1.O. FWHS Emergency Transfer Plan for Victims of Domestic Violence**

Fort Worth Housing Solutions (FWHS) 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), FWHS 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. The ability of FWHS 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 FWHS has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

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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 Public Housing, Housing Choice Voucher, Project Based Rental Assistance or Special Programs is in compliance with VAWA.

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### **1.P. 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.

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### **1.Q. Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify FWHS's management office and submit a written request for a transfer to FWHS Vice President, Housing Operations and Client Services, 1407 Texas Street, Fort Worth TX 76102. FWHS 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 FWHS'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.

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### **1.R. Confidentiality**

FWHS will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the

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tenant gives FWHS 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(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Rights under the Violence Against Women Act For All Tenants for more information about FWHS's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **1.S. Emergency Transfer Timing and Availability**

FWHS cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. FWHS 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. FWHS may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If FWHS has no safe and available units for which a tenant who needs an emergency is eligible, FWHS 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, FWHS 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.

### **1.T. 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 & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE or visit the online hotline at <https://ohl.rainn.org/online/>.

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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>.

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### 1.U. Local Agencies

One Safe Place Family Justice Center  
817.916.4323  
[www.onesafeplace.org](http://www.onesafeplace.org)

Safe Haven of Tarrant County  
877.701.SAFE (7233)  
[www.safehaventc.org](http://www.safehaventc.org)

The Women's Center of Tarrant County  
Rape Crisis and Victim's Assistance  
817.927.2737  
[www.womenscentertc.org](http://www.womenscentertc.org)

Victim Assistance – Tarrant County  
817.884.3697

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### 2.0 Resources

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#### 2.A

##### Applicable Forms and Attachments

[VAWA Incident Certification Form](#)

[VAWA Emergency Transfer Request Form](#)

[VAWA Emergency Transfer Plan Document](#)

[VAWA Notice of Occupancy](#)

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#### 2.B

##### Additional Related Policies and Procedures

Admission and Continuing Occupancy Policy

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#### 2.C

##### Key Regulatory Cites

Violence Against Women act and Department of Justice Reauthorization Act of 2013 (VAWA)

Section 3 of the United States Housing Act of 1937 as amended by VAWA (42 U.S.C. 13925)

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