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Equal Opportunity Housing and Equal Opportunity Employment

Date: October 2008
To: Minnesota Housing-PBCA and TCA staff
From: Minnesota Housing Multifamily Division
Subject: HUD Notice H 08-07 Implementation of the VAWA Violence Against Women and Justice Department Reauthorization Act (VAWA) of 2005 for Multifamily Project-Based Section 8 Housing Assistance Payments Program:

New HUD forms introduced with HUD Notice H 08-07

- HUD-form 91066-Certification of Domestic Violence, Dating Violence or Stalking as required by the provisions of Section 606 of the VAWA (attached)
- **HUD-Form 91067 HUD-approved Lease Addendum for use with the applicable HUD model lease. The addendum revises the current approved HUD Model leases to reflect the statutory requirements of the VAWA that are related to the project based Section 8 assistance programs. (attached)**

Minnesota Housing sent a memorandum on March 28, 2007 introducing VAWA. Those provisions still remain in tact. The information listed, in this memorandum, high lights the implementation, use and requirements for Certification and Addendum that are part of HUD Notice H 08-07.

Summary:

Rights and Responsibilities of Owners/Agents and Tenants:

1. Tenant Selection Plans, Policies and Procedures-O/A's should update their Tenant Selection Plans and/or House rules as applicable, to incorporate the VAWA policies and protections.
 - a. O/A's must provide tenants the option to complete the certification form. It may be made available to all eligible families at the time of admission or in the event of a termination/ or eviction for cause.

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income Minnesotans to
enhance quality of life and foster
strong communities.

2. Certification and Confidentiality:

- a. O/A's must provide tenants the option to complete the certification form, they are not required to demand that an individual produce official documentation or physical evidence of an individual's status as a victim of domestic violence.
- b. O/A's must carefully evaluate abuse claims to avoid conducting an eviction based on false or unsubstantiated accusations.
- c. O/A's must retain all documentation related to an individual's domestic violence, dating violence or stalking in a separate file.

3. Lease:

Addendum-

- a. O/A's are **REQUIRED** to attach to the HUD approved Lease HUD form 91067 "Lease Addendum-Violence Against Women and Justice Department Reauthorization Act of 2005"
- b. New Admissions-tenants must be provided with the Lease Addendum (HUD form 91067) along with the HUD model lease.
- c. Existing tenants-O/A's must "expeditiously" begin to notify existing tenants of the modification to the lease. Each existing tenant must be forwarded a copy of the addendum and include a cover letter that clearly states that the tenant can either accept the modification or move, but that a response is due within 30 days.
- d. The VAWA lease addendum must be signed once and retained in the tenant file until move out.

4. Bifurcation-

- a. O/A's under this act have the authority to bifurcate the lease if it is determined that a tenant caused physical abuse. They are allowed to remove, evict or terminate housing assistance to that individual while allowing the victim who lawfully occupies the unit to maintain tenancy.

b. Owners and Agents are encouraged to access the complete version of VAWA via the internet at <http://thomas.loc.gov>., enter H.R. 2388.