



Violence Against Women Act

REAUTHORIZATION 2022

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VAWA 2022: Reauthorization



VAWA TERMS AND
HOUSING PROGRAMS



WHO IS COVERED &
PROTECTIONS



COMPLIANCE

Brief History of VAWA

1990 Public concern about the level of violence against women

Title IV Crime Control and Law Enforcement

1994 (September) President Clinton signs the Violence Against Women Act

Department of Justice and Health and Human Services: ensuring civil rights, addressing gender and hate crimes

Reauthorized in 2000, 2005, 2013, and 2022

2013 Broadened the definitions, expanded the types of crimes, and included Native Americans under the protections; no longer needed to be perpetrated by a spouse; felony and misdemeanor crimes

2013 (March) Adoption of reauthorization brought housing protections even without a new HUD rule

History of VAWA, continued

2016 HUD implements HUD VAWA Final Rule – effective December, 2016

HUD programs (RRH, PSH, TH, Prevention) must comply as of Dec. 16, 2016

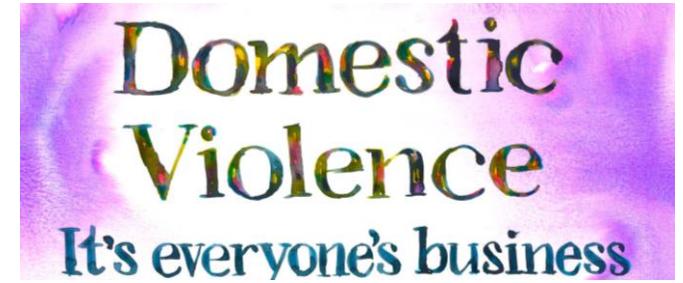
2017 HUD publishes additional guidance, CoC Standards require Emergency Transfer Plans

2020 HUD provides additional guidance

2022 Reauthorization expands the definition to include technological and economic abuse

2023 HUD releases guidance for implementing the 2022 VAWA changes

VAWA applies to these HUD programs



- [Public Housing](#);
- [Housing Choice Voucher](#);
- [Project-based Section 8](#);
- [Section 8 Moderate Rehabilitation Single Room Occupancy \(SRO\)](#);
- [Section 202 Supportive Housing for the Elderly](#);
- [Section 202 Direct Loan](#);
- [Section 811 Supportive Housing for Persons with Disabilities](#);

VAWA applies to these HUD programs (continued):

- [Housing Opportunities for Persons With AIDS \(HOPWA\)](#);
- [HOME Investment Partnerships \(HOME\)](#);
- [Emergency Solutions Grants](#);
- [Continuum of Care](#);
- [Section 236 Multifamily Assistance](#);
- [Housing Trust Fund](#)
- Section 221(d)(3)/(d)(5) Below-market Interest Rate (BMIR), Multifamily Rental Assistance;
- Direct Loan program under Section 202; rural housing assistance provided under sections 514, 515, 516, 533, 538, and 542 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, 1490p–2, 1490r); Low Income Housing Tax Credit (LIHTC)

Term: DOMESTIC VIOLENCE



“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—

- (A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
- (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- (C) shares a child in common with the victim; or
- (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.”

Term: Dating Violence



Dating violence means 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 a 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.

Terms: Sexual Assault and/or Stalking

Sexual Assault is any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or ‘
- (B) suffer substantial emotional distress.





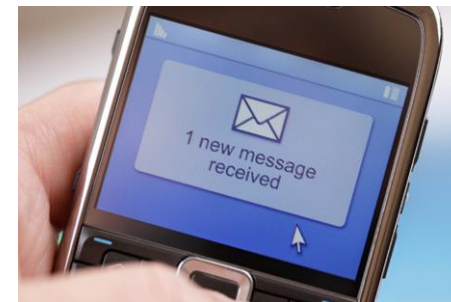
Term: ECONOMIC ABUSE.

“The term ‘economic abuse’, in the context of domestic violence, dating violence, and abuse in later life, 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, or manipulation to—

- (A) restrict a person’s access to money, assets, credit, or financial information;
- (B) unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or
- (C) 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 failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.”

Term: TECHNOLOGICAL ABUSE.

“The term ‘technological abuse’ means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, 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, or communication technologies, or any other emerging technologies.”



“Who” is covered under VAWA?



- ❖ VAWA’s housing protections, in part, are available to someone who has previously or is currently experiencing domestic violence, sexual assault, dating violence, or stalking.
- ❖ The survivor does NOT have to be married to, related to, or living with the perpetrator to be protected by VAWA. It does not matter how long ago the survivor experienced the violence. A survivor’s immigration status in itself does not impact a survivor’s right to VAWA’s housing protections.
- ❖ VAWA's housing protections, in part, apply to a survivor if they are applying for or living in shelter, transitional housing, or permanent housing that is subsidized by a federal homeless assistance program or federal affordable housing program.
- ❖ **VAWA protects survivors, regardless of their sex, gender identity, or sexual orientation AND regardless of the sex, gender identity or sexual orientation of the person who caused harm.**

VAWA Housing Protections:



Under VAWA, someone who has experienced domestic violence, dating violence, sexual assault, and/or stalking (VAWA violence/abuse):

- **Cannot be denied admission to or assistance** under a HUD-subsidized or assisted unit or program because of the VAWA violence/abuse committed against them.
- **Cannot be evicted** from a HUD-subsidized unit **nor have their assistance terminated** because of the VAWA violence/abuse committed against them.
- Cannot be denied admission, evicted, or have their assistance terminated for **reasons related to the VAWA violence/abuse**, such as having an eviction record, criminal history, or bad credit history.
- **Must have the option to stay** in their HUD-subsidized housing, even if there has been criminal activity directly related to the VAWA violence/abuse.
- **Can request an emergency transfer from the housing provider for safety reasons** related to the VAWA violence/abuse committed against them.
- **Must be allowed to move with continued assistance**, if the survivor has a Section 8 Housing Choice Voucher.

VAWA Housing Protections (continued):

- **Must be able to provide proof to the housing provider by self-certifying** using the HUD VAWA Self-certification ([Form HUD-5382](#)), and not be required to provide more proof unless the housing provider has conflicting information about the violence/abuse.
- **Must receive HUD's Notice of VAWA Housing Rights** ([Form HUD-5380](#)) and HUD's VAWA Self-certification Form ([Form HUD-5382](#)) from the housing provider, when they are denied admission to a HUD-subsidized unit or HUD program, when they are admitted to a HUD-subsidized unit or HUD program, and when they receive a notice of eviction from a HUD-subsidized unit or notice of termination from a HUD program.
- **Has a right to strict confidentiality** of information regarding their status as a survivor.
- **Can request a lease bifurcation** from the owner or landlord to remove the perpetrator from the lease or unit, and if the housing provider bifurcates, it must be done consistent with applicable federal, state, or local laws and the requirements of the HUD housing program.
- **Cannot be coerced, intimidated, threatened, or retaliated against** by HUD-subsidized housing providers for seeking or exercising VAWA protections.
- **Has the right to seek law enforcement or emergency assistance** for themselves or others without being penalized by local laws or policies for these requests or because they were victims of criminal activity.

Compliance Review Processes (enacted but not implemented by HUD yet)

VAWA 2022 requires HUD and other covered agencies to establish a compliance review process, incorporating this process into its existing compliance review processes where possible.

VAWA 2022 enumerates six items for compliance review, requires HUD to conduct the review on a regular basis, and requires HUD to publicly disclose its assessment of the information collected during the compliance review process.



Compliance Review:

“appropriate stakeholders” to implement changes related to compliance reviews **no later than March 15, 2024.**

These regulations must define standards of compliance under HUD’s covered housing programs and include detailed reporting requirements, including reporting on emergency transfers, as well as standards for corrective action plans where compliance standards have not been met.



The six items for compliance review are:

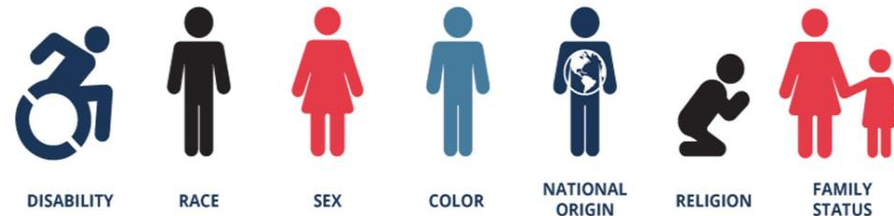
1. Compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault, or stalking;
2. Compliance with confidentiality provisions set forth in 34 U.S.C. 12491(c)(4);
3. Compliance with the notification requirements set forth in 34 U.S.C. 12491(d)(2);
4. Compliance with the provisions for accepting documentation set forth in 34 U.S.C. 12491(c);
5. Compliance with emergency transfer requirements set forth in 34 U.S.C. 12491(e); and
6. Compliance with the prohibition on retaliation set forth in 34 U.S.C. 12494. 34 U.S.C. 12492(a)(1)(B).

The 2022 reauthorization of VAWA includes new implementation requirements.

It requires HUD and the Attorney General of the United States to implement and enforce the housing provisions of VAWA consistent with, and in a manner that provides, the same rights and remedies as those provided for in the **Fair Housing Act** (42 U.S.C. 3601-19).



FAIR HOUSING ACT



Overview of Fair Housing and Equal Opportunity (FEHO) VAWA Complaint and Investigation Process

- ❖ HUD will accept complaints, investigate them, and enforce VAWA using its Fair Housing Act complaint processes, which are specified in its current fair housing regulations.
 - 42 U.S.C. §§ 3610; 3612; 24 C.F.R. Part 103 – Fair Housing Complaint Processing;
 - 24 C.F.R. Part 180 – Consolidated HUD Hearing Procedures for Civil Rights Matters.
- ❖ Information on the complaint process: https://www.hud.gov/program_offices/fair_housing_equal_opp/complaint-process
- ❖ VAWA complaints do not need to allege a violation of the Fair Housing Act for FHEO to accept and investigate the complaint.
- ❖ A complainant may, not later than one year after an alleged VAWA violation has occurred or terminated, file a complaint with FHEO alleging such violation.
- ❖ VAWA complaints are filed at <https://www.hud.gov/fairhousing/fileacomplaint%20>. Or at https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA

Tools and Tips

- ❖ HUD has provided a series of sample forms (listed on next slide)
- ❖ March 2023 release adds an example of an addendum to lease agreements to ensure VAWA protections (HUD-91067)
- ❖ CoC Written Standards should be updated to reflect the changes in the definition of homeless Category 4 (expanded conditions and changes description of resources)
- ❖ Ensure notification of VAWA Rights is given to applicants denied housing, as well as participants and tenants, and whose assistance is ended (eviction, termination)
- ❖ Use the Emergency Transfer Plan template to develop/update your agency policy
- ❖ Review the rules to understand what happens when a household is 'split' due to violence and safety concerns

Tools and Tips, continued

- ❖ Ensure your agency's lease and sublease agreements incorporate the VAWA protections
- ❖ Ensure any staff who does housing navigation, negotiates leases, or responds to landlord complaints Understands the VAWA protections
- ❖ Consider the flexibilities in placing VAWA households outside the CoC if necessary
- ❖ Assist impacted families with support, advocacy if Child Welfare Services are also involved
- ❖ Visit the HUD VAWA Webpage to review the answers to Frequently Asked Questions
- ❖ Use a 'check list' or 'cheat sheet' to guide the agency's response to concerns
- ❖ The 2023 CoC Competition will include VAWA compliance as a new activity in budgets
- ❖ Err of the side of safety!

VAWA Forms

Forms HUD-5380, 5381, 5382, and 5383 are [available in multiple languages](#).

- Notice of Occupancy Rights under VAWA ([Form HUD-5380](#))
- Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking ([Form HUD-5381](#))
- Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, and Alternate Documentation ([Form HUD-5382](#))
- Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking ([Form HUD-5383](#))

HUD New VAWA Website & HUD Regulations

<https://www.hud.gov/vawa>

- ❖ VAWA's housing provisions are at [34 U.S.C. 12491, et seq.](#)
- ❖ [Violence Against Women Act Reauthorization Act of 2022 \(VAWA 2022, enacted as Division W of the Consolidated Appropriations Act, 2022\)](#) (March 15, 2022)
- ❖ [HUD, Federal Register Notice: The Violence Against Women Act Reauthorization Act of 2022: Overview of Applicability to HUD](#) (January 4, 2023)
- ❖ [HUD, FHEO 2023-01: Notice to Public Regarding FHEO Enforcement Authority and Procedures: Violence Against Women Act 2022 \(VAWA\)](#) (January 20, 2023)
- ❖ [HUD's final rule implementing VAWA 2013](#) (December 16, 2016)
- ❖ [HUD, PIH-2017-08 \(HA\) Violence Against Women Reauthorization Act of 2013 Guidance](#) (May 19, 2017)
- ❖ [HUD, Notice H 2017-05 Violence Against Women Act Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents](#) (June 30, 2017)
- ❖ [HUD, Federal Register Notice: 60-Day Notice of Proposed Information Collection: Implementation of the Violence Against Women Reauthorization Act of 2013, OMB Control No.: 2577-0286](#) (November 4, 2022)

VAWA Trainings

§ HUD Office of Housing Counseling, [Housing Protections for Persons Impacted by Domestic Violence and Sexual Assault](#) (March 9, 2023)

§ HUD Office of Housing Counseling, [How to Identify Persons Impacted by Domestic Violence and Sexual Assault](#) (February 23, 2023)

§ HUD National Fair Housing Training Academy Forum, VAWA series - [Part 2: Legal Protections for Survivors](#) (January 18, 2023)

§ HUD National Fair Housing Training Academy Forum, VAWA series - [Part 1: Understanding Survivors' Experiences](#) (October 19, 2022)

§ CDBG [VAWA Right to Report from Home Webinar](#) (September 27, 2022)

§ CDBG [Right to Report Crime & Emergencies from One's Home Fact Sheet](#) (September 2022)

Other VAWA Resources:

<https://www.novoco.com/sites/default/files/atoms/files/hud-memo-vawa-letter-housing-providers-03172023.pdf>

<https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO-2023-01-%20FHEO%20VAWA%20Notice.pdf>

<https://www.govinfo.gov/content/pkg/BILLS-117hr2471enr/pdf/BILLS-117hr2471enr.pdf>

<https://www.congress.gov/bill/117th-congress/house-bill/2471/text>

The End

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HUD VAWA UPDATE HIGHLIGHTS

What happens under HUD’s implementation of the 2022 VAWA reauthorization?

➤ **HUD Definition of Homeless, Category IV expands:**

• Change to Category 4 McKinney-Vento Homeless Definition

- VAWA 2022 changes the Category 4 definition of homelessness to the following: Any individual or family who
 - (i) is experiencing trauma or lack of safety related to, or fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized;
 - (ii) Has no other safe residence; and
 - (iii) Lacks the resources to obtain other safe permanent housing.

- Under HUD’s current regulations, the Category 4 definition is: Any individual or family who
 - (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
 - (ii) Has no other residence; and
 - (iii) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

➤ **New Eligible Continuum of Care Activity (CoC funding)**

- VAWA 2022 adds the following activity to the CoC program: Facilitating and coordinating activities to ensure compliance with [the emergency transfer plan requirement in 34 U.S.C. 12491(e)] and monitoring compliance with [the confidentiality requirement in 34 U.S.C. 12491(c)(4)].
- This means that CoC grantees can use this activity to pay for activities to ensure compliance with implementing emergency transfers and monitoring compliance with VAWA confidentiality requirements.
- CoC grantees wishing to utilize this new line item can request a budget modification to add funds to this line item from an existing line item.
- This new line item is not subject to administrative caps.
- The new line item will be built in to the CoC Program Competition Application process for FY2023.

➤ **New Forms of Abuse are Identified**

The definition of “domestic violence” to include “technological abuse” and “economic abuse” as forms of domestic violence. <https://www.federalregister.gov/d/2022-28073/p-34>. Section 40002 of VAWA ([34 U.S.C. 12291](https://www.law.cornell.edu/ucc/34usc/12291)) definitions:

ECONOMIC ABUSE.—The term `economic abuse', in the context of domestic violence, dating violence, and abuse in later life, 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, or manipulation to:

- (A) restrict a person's access to money, assets, credit, or financial information;
- (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- (C) 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 failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

TECHNOLOGICAL ABUSE.—The term `technological abuse' means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, 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, or communication technologies, or any other emerging technologies.

➤ **Stakeholders are defined**

VAWA provides that “appropriate stakeholders” include, but are not limited to, “(A) individuals and organizations with expertise in the housing needs and experiences of victims of domestic violence, dating violence, sexual assault and stalking; and (B) individuals and organizations with expertise in the administration or management of covered housing programs, including industry stakeholders and public housing agencies.” [Back to Citation](#)

Note: The list of programs under VAWA does not include programs that are controlled by the U.S. Department of Veterans Affairs and U.S. Department of Agriculture. [Back to Citation](#)

➤ **VAWA’s Housing Protections for Survivors – Selected Requirements**

- Prohibition Against Denial of Admission and Eviction
 - Survivors cannot be denied or evicted from CoC- or ESG-assisted rental assistance projects solely due to their status as survivors of domestic violence, dating violence, sexual assault, or stalking. This includes reasons related to the violence that they have experienced, such as bad rental or credit history and criminal history.
- Emergency Transfer Plan
 - Each CoC is required to establish a VAWA Emergency Transfer Plan that complies with the regulations at 24 CFR 578.99(j)(8) and 24 CFR 5.2005(e). VAWA Emergency

Transfer Plans govern how projects in the CoC will respond to requests for emergency transfers from survivors.

- ESG recipients must develop an Emergency Transfer Plan that complies with 24 CFR 576.409(d) and 24 CFR 5.2005(e) or, if the recipient is a state, the state’s subrecipients must administer ESG rental assistance and develop the Emergency Transfer Plan. If the State’s subrecipients are required to develop the plan, the state must specify whether the Emergency Transfer Plan is to be developed for:

- The state as a whole;
- Each area within the state covered by a CoC; or
- Each subrecipient that administers ESG rental assistance

- Lease Bifurcation

- A survivor residing in a CoC or ESG project providing rental assistance can request a lease bifurcation, which allows the survivor to retain the existing assistance without the presence of the perpetrator in the unit. The regulations allow the CoC and ESG projects to continue assistance for a period of time, to allow survivors to either establish assistance on their own or to find other housing.

- Notification

- CoC and ESG recipients must provide notification regarding VAWA protections to applicants who are denied housing, program participants admitted to housing, and program participants notified of eviction and/or termination of assistance. HUD is in the process of revising the VAWA forms, including the HUD-5380 notification form. <https://www.hud.gov/sites/documents/5380.docx>

- Lease Addendum

- Units receiving CoC or ESG rental assistance must have leases or rental agreements that incorporate VAWA protections including prohibition of denial or eviction, lease bifurcation, and emergency transfers.
- The [HUD-91067 VAWA Lease Addendum](#) provides an example. HUD is updating the Agency’s VAWA forms for use by all covered housing Compliance Requirements
- VAWA 2022 requires existing compliance review processes of grantees to include the following items for examination:
 - Compliance with VAWA requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault or stalking;
 - Compliance with VAWA confidentiality provisions;
 - Compliance with VAWA notification requirements;
 - Compliance with accepting VAWA documentation from survivors;
 - Compliance with emergency transfer requirements; and
 - Compliance with the prohibition on retaliation.

- HUD will update reporting platforms and monitoring exhibits to examine these items during reporting and compliance monitoring.

- **The Right to Report Crime and Emergencies**

- Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance
- Prohibits application of actual or threatened penalties to protected persons based on their request for assistance or based on criminal activity of which they are a victim of or otherwise not at fault under the laws or policies adopted or enforced by covered government entities

- **Prohibits Retaliation Against Survivors**

- VAWA 2022 prohibits covered housing providers from coercing, intimidating, threatening, or retaliating against a survivor for seeking or exercising their VAWA rights.

- **Filing a VAWA complaint**

- HUD has established a new website where individuals can file a complaint if they believe their VAWA rights have been violated - [Violence Against Women Act \(VAWA\) | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.hud.gov/vawa)

- **HUD VAWA Website**

HUD’s centralized Violence Against Women Act (VAWA) webpage is live now at www.hud.gov/vawa. The webpage serves as a clearinghouse for HUD’s VAWA resources, featuring FAQs on VAWA’s housing protections, VAWA trainings, VAWA forms, related legal authorities, and referrals for survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking who need access to direct services.

- **VAWA VISA**

Households can apply for a special VISA/ ‘green card’ under the Act. It starts with Form I-360 (Immigration) and lots of evidence
 In 2022, about 70% were approved
 It typically takes 16-21 months to process.

HUD VAWA UPDATE KEY PROVISIONS

What happens under HUD's implementation of the 2022 VAWA reauthorization?

- **HUD Definition of Homeless, Category IV** expands who qualifies, reduces restriction on definition of resources
- **New Eligible Continuum of Care Activity (CoC funding)** will be included in the CoC 2023 eligible activities
- **New Forms of Abuse are Identified: Economic and Technological**
- **Stakeholders are defined**

- **VAWA's Housing Protections for Survivors – Selected Requirements**
 - Prohibition Against Denial of Admission and Eviction
 - Emergency Transfer Plan Requirements for CoC and ESG
 - Lease Addendum of Protections Required

 - Grantee Compliance Requirements (6 items identified)
 - The Right to Report Crime and Emergencies
 - Access to Filing a VAWA complaint
 - Prohibits Retaliation Against Survivors

- **HUD VAWA Website** www.hud.gov/vawa and FAQs

- **VAWA VISA** special VISA/ 'green card'

[Insert Name of Housing Provider¹]

Notice of Occupancy Rights under the Violence Against Women Act²

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.³ The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **[insert name of program or rental assistance]** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

Protections for Applicants

If you otherwise qualify for assistance under **[insert name of program or rental assistance]**, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

¹ The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD’s program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

² Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

³ Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

If you are receiving assistance under **[insert name of program or rental assistance]**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **[insert name of program or rental assistance]** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

HP may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HP chooses to remove the abuser or perpetrator, HP may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HP must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, HP may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HP may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HP will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HP's emergency transfer plan provides further information on emergency transfers, and HP must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

HP can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HP must be in writing, and HP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HP may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HP as documentation. It is your choice which of the following to submit if HP asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HP has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HP does not have to provide you with the protections contained in this notice.

If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HP has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HP does not have to provide you with the protections contained in this notice.

Confidentiality

HP must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HP must not allow any individual administering assistance or other services on behalf of HP (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HP must not enter your information into any shared database or disclose your information to any other entity or individual. HP, however, may disclose the information provided if:

- You give written permission to HP to release the information on a time limited basis.
- HP needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HP or your landlord to release the information.

VAWA does not limit HP's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HP cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HP can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HP can demonstrate the above, HP should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to

additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **[insert contact information for any intermediary, if applicable]** or **[insert HUD field office]**.

For Additional Information

You may view a copy of HUD's final VAWA rule at **[insert Federal Register link]**.

Additionally, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **[insert name of program or rental assistance contact information able to answer questions on VAWA]**.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **[Insert contact information for relevant local organizations]**.

For 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>.

For help regarding sexual assault, you may contact **[Insert contact information for relevant organizations]**

Victims of stalking seeking help may contact **[Insert contact information for relevant organizations]**.

Attachment: Certification form HUD-5382 **[form approved for this program to be included]**

LEASE ADDENDUM

VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2005

TENANT	LANDLORD	UNIT NO. & ADDRESS
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This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant and Landlord.

Purpose of the Addendum

The lease for the above referenced unit is being amended to include the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA).

Conflicts with Other Provisions of the Lease

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

Term of the Lease Addendum

The effective date of this Lease Addendum is _____. This Lease Addendum shall continue to be in effect until the Lease is terminated.

VAWA Protections

1. The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim’s behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

Tenant

Date

Landlord

Date