

# Violence Against Women Act

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**VAWA  
REAUTHORIZATION 2022  
and HUD GUIDES 2023**

# Acknowledgements

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Information comes from many resources:

- Federal Law and Code of Federal Regulations
- HUD Program Regulations
- HUD Exchange
- Domestic Violence Council
- Other Urban Initiatives Presentations and citations



# **CONTENT WARNING**

This presentation is about serving victims of domestic violence, sexual assault, stalking, dating violence, and other forms of gender-based violence.

This presentation's slides do not contain explicit imagery or language. However, content does not need to be explicit to be triggering. Attendees are encouraged to take breaks as appropriate.

# VAWA 2022: Reauthorization - Contents

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HISTORY



VAWA TERMS AND  
HUD PROGRAMS



WHO IS COVERED &  
PROTECTIONS



COMPLIANCE &  
IMPLEMENTATION

# Brief History of VAWA

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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

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2016 HUD implements HUD VAWA Final Rule(effective December, 2016 and 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 an economic abuse.

2023 HUD releases guidance for implementing the 2022 VAWA changes.

2023 HUD establishes a dedicated VAWA website.

# VAWA applies to these HUD programs

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- [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 and HUD Programs, continued

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- [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)

# VAWA Term: DOMESTIC VIOLENCE

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- Includes felony or misdemeanor crimes.
- By a current or former spouse or intimate partner.
- Includes the use or attempted use of physical abuse or sexual abuse when addressing Victim Services, or
- Has a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim.
- Now includes verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who meets certain conditions seen on next slide.

# VAWA TERM Domestic Violence, Continued

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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; or
- (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; or
- (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

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*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.

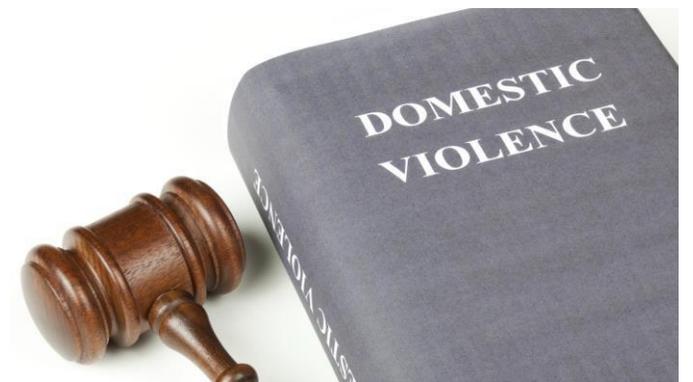
# Terms: Sexual Assault and/or Stalking

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***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.

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In context of domestic violence, dating violence, and ***abuse in later life***, means behaviors that:

- are coercive,
- are deceptive, or
- unreasonably controls or restrains the ability to acquire, use, or maintain economic resources to which they are entitled,
- include using fraud, or manipulation to achieve control

AND..

# Term: Economic Abuse, continued

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Behaviors that **attempt 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.

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‘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):

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- **Must be allowed 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.

# VAWA Housing Protections (continued):

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- **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.

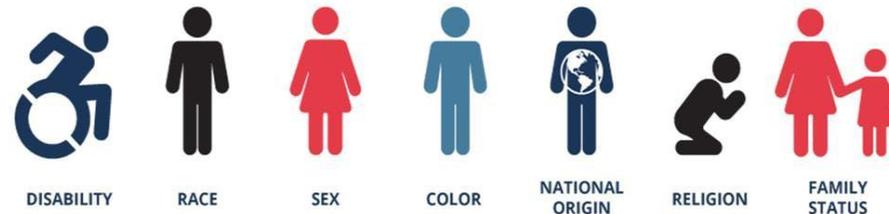
# The 2022 reauthorization of VAWA includes new implementation requirements.

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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

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- ❖ 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.
- ❖ Information on the complaint process: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/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](https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA)

# Compliance Review Processes

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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:

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“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:

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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).

# HUD Requirements and Changes

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Emergency Transfer Plan (ETP) in Written Standards must be updated.

ETP requests for safety purposes take precedence for vacancies in CoC and ESG

Tenant decides what feels 'safe'

First available unit

# Emergency Transfer Plan

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- What: An Emergency Transfer Plan (ETP) is a process.
- Goal: Transfer a tenant in CoC- or ESG-funded housing to a new, safe housing unit.
- When: the tenant reasonably believes there is a threat of imminent harm from further violence if they remain in their current housing; OR
  - In the case of a tenant who is a victim of sexual assault: either they reasonably believe there is a threat of imminent harm if they remain in their unit, OR
  - Sexual Assault occurred on the premises in the 90 days prior to the RTP request.
- How: Is initiated by a request from the tenant.
  - Request must be documented by the housing provider, even if verbal request.

# What is a safe unit?

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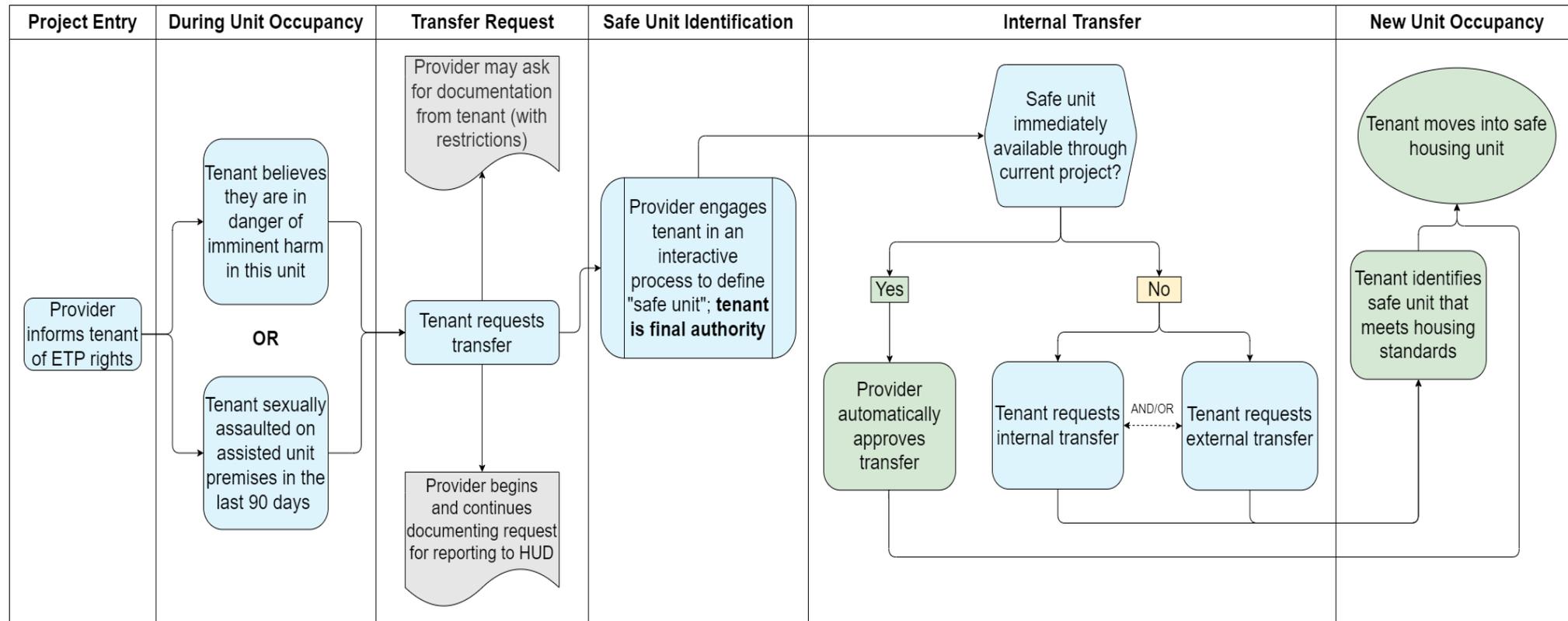
- A unit that the victim/survivor believes is safe.
- NOT restricted by anyone else's opinion.
- NOT restricted by geography (can be outside the jurisdiction or CoC).

# ETP General Rules

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- Must be offered the first available unit.
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- Must approve the ETP based on eligibility alone.
- CANNOT consider
  - Race / Ethnicity
  - Age
  - Gender, Gender Identity
  - Family Size or Configuration
  - Mental Health
  - Perceived reliability
  - Social skill

# ETP Process and Path

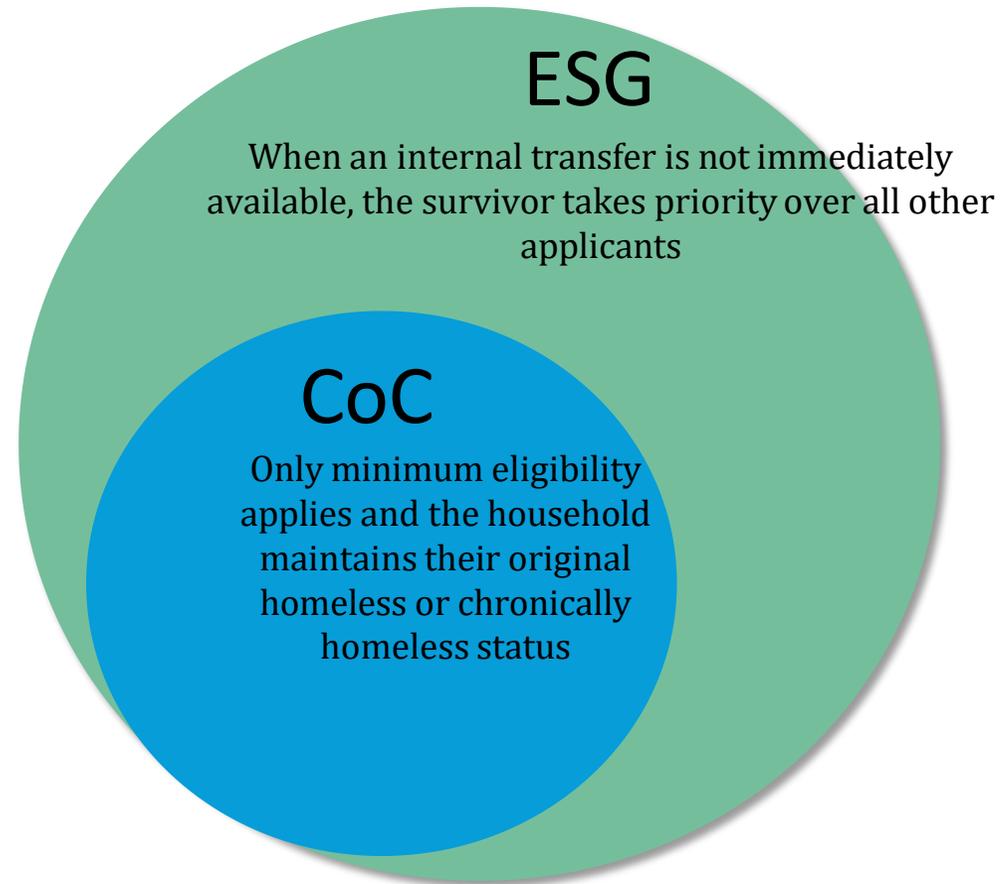


# Completing an Emergency Transfer: Prioritization

All emergency transfer plans must explicitly **describe the prioritization of survivors** receiving transfers with respect to others still waiting for units

Internal transfers must receive, at minimum, **any additional priority** given to other emergency transfer types

Other Federal funding sources have additional recommendations and/or requirements for ETP prioritization



# Tools and Tips for Compliance

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- ❖ HUD has provided a series of sample forms (slide with links near end).
- ❖ 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

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- ❖ 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

## Tools and Tips, continued

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- ❖ 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 on the side of safety!



# BEYOND REGULATIONS and FORMS

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Meaningful Implementation

Working with Other Systems

Best Practices

Cultural Competence



# Meaningful Implementation

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More than following the rules.

Watchful and aware in non-victim service provider (VSP) environments.

Safety and privacy are paramount.

Empowerment and self-determination are “musts” but are not easy.

Aware of impact of power dynamics.



# Safety and Privacy

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Safety FIRST and FOREMOST – HUD ETP Requirement reflects this.

Privacy is SAFETY, EMPOWERMENT, RESPECT.

Privacy is PROTECTED under State Law.

Ways to ensure Safety and Privacy

- Safe spaces and exit routes, even online

- Protect names, records, locations

- Family ‘passwords’ and ‘Go Bags’

- Housing and facility features

# Working with Other Systems

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How will CoC Emergency Transfer Plan for housing and support services will support households that are involved in other key systems:

- Child Welfare / Reunification
- Justice and Correction Systems
- Custody issues (non-perpetrator)
- Mainstream Assistance Cases – transfer out of jurisdiction

Advocacy? Education? Legal Assistance?

Protocols and documentation for out of CoC placements?

# Best Practices

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Consider Best Practices that go ‘beyond the minimum’ regulations.

A few examples:

1. VAWA Program to program direct transfers.
2. ETP CoC Central Facilitator or Support Coordination Agency
3. Include safety planning for situations that do not qualify as DV.
4. Train providers about disability considerations
5. Special events for landlords
6. Internal or interagency Survivors Council /Peer support
7. Offer “court behavior” support trainings – teach tips about how to testify, calm emotion, language, etc.

# Cultural Competence

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Beyond the basics – empowerment, trauma-informed, housing safety.

- Interactions that honor respect and understand the context of surviving. (HUD's new eligibility definition helps recognize the long-term impacts).
- Aware of and skilled in recognizing and responding to the survivors' culture.
- Strive to not re-traumatize:
  - avoid an authoritative role or power dynamic
  - avoid re-telling the details in order to get services
  - recognize secondary impact of hearing the realities of survivors' lives
  - vicarious excitement and stress

# Cultural Competence

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- US Culture can:
  - be aggressive and de-sensitize violence (shoot me an email, 'bullet' points, etc.)
  - middle class emphasizes 'individualism' but historic gender cultures emphasize
  - use isolation as a 'non-violent' punishment (time out)
  - but denies the negative association of being bad and being denied human contact.
  - ignore the historic experiences of certain groups (poverty, Indigenous people, Japanese)

# Cultural Competence, continued

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Racial ethnic, intergenerational differences – What is perceived as ‘normal’.

Understand the interaction of history of trauma in context of:

- common human needs (think Maslow’s Hierarchy)
  - basic physical needs, sense of safety, affiliation and connection, esteem, actualization
- cognition, emotion, and brain functions
  - what happens in the brain can ‘control’ the ability to act – “the danger” cycle
- the TAF relationship – think, act, feel balance and interventions
- remember the care giver also has these influences happening
- action absorbs anxiety (3 As)

Adverse Childhood Experiences (ACE)

ACE impacts on physical, psychological, and social capacity in later years.

# SUMMARY

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Today we focused primarily on:

- Regulations and changes over time
- HUD CoC Requirements
- HUD Resources and forms

With a brief introduction to some considerations for implementation.

There are also in-depth sessions for:

- HUD CoC Implementation
- Cultural Competence

# HUD VAWA Website & HUD Regulations

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<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)

# VAWA Forms

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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](#))

# Website and Regulations, continued

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- ❖ [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)
- ❖ Note: VAWA Changes impact the Code of Conduct Elements – Administrative Requirements

# VAWA Trainings

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§ [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:

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<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>

# END - DV

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Urban Initiatives

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