



Portland Housing Bureau

HUD's Violence Against Women Act (VAWA) Requirements for all HUD Funded and Tax Credit Properties

Since 2005 the Violence Against Women Act (VAWA) has provided protections to families applying for and receiving rental assistance payments under the Project Based Section 8 program. VAWA protects victims of domestic violence, dating violence, sexual assault, or stalking, as well as affiliated individual(s), generally, from being denied housing assistance or being evicted as a result of an incident of domestic violence, dating violence, sexual assault, or stalking that is reported and confirmed.

2013 VAWA POLICY CHANGE, (Federal Register Vol. 78, No. 151, August 6, 2013)

On March 7, 2013, President Obama signed the Violence Against Women Act Reauthorization, which expands the housing protections to include the following programs:

- HOME Investment Partnerships program (HOME)
- Low-Income Housing Tax Credit properties (LIHTC)
- USDA Rural Housing properties
- Section 236 Supportive Housing (Elderly)
- 811 Supportive Housing for persons with disabilities
- Section 221(d)(3) Below Market Interest Rate Program (BMIR)
- HOPWA housing program
- HUD McKinney-Vento homeless programs

The VAWA 2013 [Final Rule](#) was published in the Federal Register on November 16, 2016 and certain requirements in the rule became effective the following month on December 16, 2016. The VAWA 2013 reauthorization enhances judicial and law enforcement tools to combat violence against women, improves services for victims, and strengthens the health care system's response to violence against women. It should be noted that the protections for VAWA-covered violence include sexual assault, women, men, and people in same-sex relationships.

Effective January 3, 2015, all owner/managers of housing programs funded under HUD and/or the Tax Credit program must **implement a policy** to address the protections under the Violence Against Women Act (VAWA). PHB will request a copy of the required VAWA Policy at each inspection as part of the document collection process and may request owner/manager to produce the document more frequently as required by HUD

IMPORTANT NOTICE OF IMMEDIATE REQUIREMENT FOR IMPLEMENTATION

In order for an Owner/Agent to be in compliance with the VAWA Final Rule they must implement VAWA Appendix A ([HUD-5380](#)) and C ([HUD-5382](#)) or self-created forms using exact information immediately. Owner/Agent must also complete the VAWA Appendix B Emergency Transfer Plan ([HUD-5381](#)) and implement the Appendix D Emergency Transfer Request Form ([HUD-5383](#)).

The HUD forms are model forms which can be customized as long as they contain the same information and language. These forms can be found in alternate languages at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a.

FAILURE TO IMPLEMENT VAWA POLICY

If a housing provider refuses to rent, evicts, or otherwise treats someone differently because of that person's status as a victim of domestic violence, HUD or the courts may find a violation under the Fair Housing Act due to direct discrimination, unequal treatment, or disparate impact.

The following information contains details which should be contained in the policy and strictly adhered to:

PROTECTIONS FOR TENANTS

- Tenants cannot be denied tenancy based upon a previous incident of violence.
- Victims have a right to privacy. All information provided by the tenant must be kept confidential. Incidents of threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a “serious or repeated lease violation” by the victim, or “good cause” to terminate the tenancy rights of the victim.
- The tenant may request an emergency transfer to another safe and available unit if they believe that they are threatened with imminent harm from further violence if they remain in the same unit.
- If a household member engages in a criminal act(s) of violence against another household member, VAWA allows for lease bifurcation. This means that the owner/manager may evict or remove the person responsible for the violent act(s) without evicting or removing the victim(s) from the lease agreement. If the victim participates in a housing program and cannot establish eligibility for the housing program, the owner/manager must give a reasonable amount of time for the victim to find new housing or establish eligibility under another covered housing program.

PROTECTIONS FOR THE OWNER/MANAGER

The VAWA protections are not meant to limit the owner/manager from honoring court orders issued to either protect the victim or address the distribution of property in case a household breaks up. Nor, do the protections limit the owner/manager from terminating the victim’s lease for lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking. If the owner/manager can show that the victim’s presence poses an actual and imminent threat to other tenants or employees, the owner/manager may choose to end the lease term.

- The owner/manager must show reasonable actions to reduce or eliminate the threat prior to seeking eviction.
- Tenants who are victims of domestic violence, dating violence, sexual assault, and/or stalking must contact their owner/manager as soon as possible to report any issue(s).
- The owner/manager may request that the tenant provide documentation (an individual may provide self-certification in lieu of any other documentation) of the abuse. Failure to report and document an occurrence of domestic violence, dating violence, sexual assault, or stalking within the required (14-days) or agreed upon deadline can be considered a lease violation if the tenant was properly notified of the VAWA protections.

VAWA LEASE ADDENDUM - The owner/manager must implement a VAWA lease addendum for all current and new tenants. Although HUD provides a VAWA lease addendum (HUD [Form 91067](#)), this is not a mandatory form. The owner/manager can incorporate the VAWA protections in the current lease and forms, or create a lease addendum with the required language. PHB encourages that the property use the prescribed lease addendum which can be also be found on PHB’s website as well as HUD’s website.

- The lease addendum must be signed by all tenants and must be signed with the same frequency as your other lease addendums.
- Each property must provide the VAWA notice of rights to the tenants ([HUD-5380](#)) at the time a person applies for housing and is either approved or denied, when a tenant moves in and when there is an eminent possibility of a notice of eviction.

VAWA NOTIFICATION - When notifying tenants of the VAWA protections, the required language must be used and a process must be created for collecting supporting documentation if a tenant experiences a violent occurrence. This may be included in the policy.

RESOURCES FOR TENANTS & LANDLORDS

The owner/manager should reaffirm with their tenants at move-in and recertification, the importance of calling 911 if they feel that they are in immediate danger.

Victims of domestic violence, dating violence, sexual assault, or stalking can get help by calling the National Domestic Violence Hotline at 1-800-799-SAFE (7233).

There is also a state-by-state list of local resources at:

<http://www.thehotline.org/>

Federal Register VAWA Notice: <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>

One CPD <https://www.hudexchange.info/news/reauthorization-of-the-violence-against-women-act-vawa/>

Forms to assist you with VAWA are available in multiple languages on HUD's Multifamily Housing page at https://www.hud.gov/program_offices/housing/mfh and include;

- VAWA Appendix A: Notice of Occupancy Rights Under the VAWA, form [HUD-5380](#)
- VAWA Appendix B: Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form [HUD-5381](#)
- VAWA Appendix C: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, form [HUD-5382](#) and
- VAWA Appendix D: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form [HUD-5383](#)

The HUD forms are model forms which can be customized as long as they contain the same information and language.

Watch the July 26th training webcast: VAWA Final Rule Multifamily Housing Owner/Agent Perspective at <https://www.youtube.com/watch?v=FhraC7t2Cxo&feature=youtu.be> or see the training slides only [here](#).