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## Ensuring VAWA Compliance

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January 14, 2019



National Council of  
State Housing Agencies



# References

- Violence Against Women Reauthorization Act of 2013 (VAWA)
- 24 CFR 5.2001 - .2011
- Federal Register Notice: 11/11/16 (p.80724)
  - HOME: 24 CFR 92.359 (92.253 – lease add.)
  - HTF: 24 CFR 93.356 (93.303 – lease add.)
- HUD model documents/forms:

[https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud5a](https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a)

# HOME & HTF Applicability

- Applies to:
  - HOME rental units and HOME TBRA where HOME commitment made after Dec. 15, 2016
  - All HTF project units
  - Non-discrimination effective 3/7/13
- Covered providers
  - PJ/HTF grantee (& its state recipients & subrecipients)
  - Housing owners & managers

# Key Requirements

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- Nondiscrimination

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- Disclosure

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- Confidentiality

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- Documentation

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- Lease protections

6

- Emergency transfer plan

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- Disposition alternatives

# Non-discrimination

- Prohibited bases for termination/eviction
  - Victim status of the tenant
  - Incident(s) of violence against the tenant
  - Direct results of violence against the tenant
  - Criminal activity directly relating to violence against the tenant or an affiliated individual



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# Protected Persons

- Applicant or tenant (& affiliated individuals) of a covered project (& TBRA)

AND

- A survivor of
  - Domestic violence,
  - Dating violence,
  - Sexual assault, or
  - Stalking



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# Disclosure

- Provided to:
  - Applicant for unit or TBRA – when admitted or rejected
  - Tenant – with eviction notice, or notice of eviction or termination of TBRA
- Notice: HUD-5380 or equivalent



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# Confidentiality

- Accessed only by employees/contractors with explicit authorization
- Not in shared database or disclosed with permission, required for hearing, or required by law
- PJ/Grantee: maintain records & report to HUD on transfers requested and outcomes



# Documentation

- Documentation of abuse/victim status not required; owner/PJ may require (see 5.2007)
  - HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation (HUD-91066)
  - Professional statement (5.2007(b)(1)(ii))
  - Court police record
  - Other allowed by covered provider



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# Lease Addendum

- Lease terms or addendum must include:
  - Prohibited bases for termination/eviction
  - Tenant option to end lease without penalty if emergency transfer conditions met
  - VAWA limits on construing lease terms

- Example: Form HUD-91067 for PBA



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# Emergency Transfer Plan

- PJ/HTF grantee must develop ETP
  - 24 CFR 5.2005(e) & 24 CFR 92.359 or 93.356
- Address:
  - Qualification
  - Confidentiality
  - Transfers (internal & external) policy & procedures
  - Documentation
- HUD-5381 Model Emergency Transfer Plan
- ETP doesn't guarantee continued assistance or supersede eligibility/occupancy requirements

# Disposition Alternatives

- Tenant may terminate lease (tenant's option)
  - Owner must waive any early termination fees
- Lease bifurcation
- Transfers
  - Internal – within the development
  - External – outside the development
- Other PJ/Grantee options/actions:
  - Program preferences for emergency transfers
  - HOME TBRA
  - Other provider coordination/referrals/transfers

# HUD Model Forms

- [https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud5a](https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a)
  - HUD-5380: Notice of Occupancy Rights Under the Violence Against Women Act
  - HUD-5381: Model Emergency Transfer Plan
  - HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
  - HUD-5383: Emergency Transfer Request



# Discussion

1. Have you had any VAWA-related incidents that you would like to share or discuss?
2. Do you have any policies or forms that you believe are effective and want to share?
3. Do you have any questions?

