# THE HFA INSTITUTE

# **Ensuring VAWA Compliance**



#### 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







# **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**

 Nondiscrimination • Disclosure Confidentiality Documentation Lease protections Emergency transfer plan Disposition alternatives

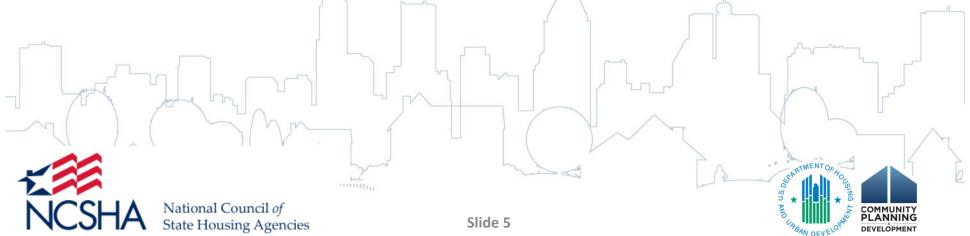






### Non-discrimination

- 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



#### **Protected Persons**

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

#### **AND**

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





#### Disclosure

- Provided to:
  - Applicant for unit or TBRA when admitted or rejected
  - Tenant with eviction notice, or notice of eviction or termination of TBRA



# 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





#### 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



## **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/admini stration/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?

