



Violence Against Women Act Policy

Background

The Violence Against Women Act (VAWA) was enacted into federal law in 1994 to improve federal, tribal, state, and local efforts to reduce the incidence of violence towards women, domestic violence and sexual assault. Since 1994, VAWA has been reauthorized several times, extending the reach of the law and making its protections more robust. The most recent reauthorization was signed into law in March of 2022 and updated the housing-related language, added new enforcement mechanisms for HUD, and provided additional resources for training and technical assistance.

VAWA prohibits housing authorities and other covered housing providers from denying or terminating housing assistance to applicants or tenants because they have experienced domestic violence, dating violence, sexual assault, or stalking. Additionally, housing providers must provide certain remedies such as emergency transfers for reasons related to violence.

VAWA applies to all of the HUD programs that HABD administers, including the public housing, Housing Choice Voucher, project-based Section 8, and Section 8 Moderate Rehabilitation Single Room Occupancy programs. Although the name of the act suggests the law only applies to women, all persons, regardless of gender, are protected by the law and encouraged to take advantage of the mechanisms to enhance safety from violence.

Purpose

HABD fully supports the intent of the Violence Against Women Act and is committed to implementing associated regulations in full accordance with the law. This document unites existing HABD policy and procedure in one location to provide transparency, open access to these protections, and to simplify Agency response to VAWA-related issues. The policy also reflects the most recent changes to VAWA as of the date of approval. This policy applies to all programs administered by HABD, and all HABD employees are responsible for understanding and applying the policy in an effective manner. As this policy provides protections and rights which, in some cases, alter the manner in which HABD administers the covered programs, where there are conflicts between Agency policies such as the ACOP and Administrative Plan and this policy, this policy governs.

Policy

Admission and Termination of Assistance

HABD will not deny admission or assistance to any applicant on the basis of their status as a victim or survivor of domestic violence, dating violence, sexual assault, or stalking. HABD will not terminate assistance to or evict from housing any individual on the basis of their status as a victim or survivor of domestic violence, dating violence, sexual assault, or stalking.

HABD will not terminate assistance to any applicant on the sole basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking committed by a member or guest of the household if the tenant or an affiliated individual of the tenant is the victim or threatened victim of criminal activity cited. Exceptions to this policy are:

- HABD will comply with a court order that assigns rights of access to or control of property
- HABD will enforce other lease and program provisions that may result in the termination of assistance to or eviction of a tenant who is a victim of covered violent acts



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- HABD will enforce lease and program provisions if there is an actual and imminent threat to other tenants, employees, contractors, or others legally allowed to live or work on the premises of the dwelling occupied by the victim of covered violent acts if the victim is not terminated or evicted (§12491(b)(3)(C))

HABD will not discriminate or retaliate against any individual who has advocated for the rights of themselves or others in relation to VAWA, or who has filed or supported a complaint against HABD in connection with rights made available under VAWA.

HABD will not penalize any party, to include tenants, residents, occupants, guests, and applicants, based on their requests for assistance (for themselves or others) or based on criminal activity of which they are a victim or otherwise not at fault.

HUD Requirements

1. HABD's public housing leases contain the updated provisions of 24 CFR Part 5, Subpart L. To maintain consistency across programs, all HABD residential leases will contain these provisions.
2. HABD provides the VAWA Notice of Occupancy Rights to all adult applicants of public housing, HCV, PBV, and PBRA. To maintain consistency across programs, all applicants for housing assistance from HABD will be provided the notice (HUD Form 5380). Along with Form 5380, HABD will provide the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation, HUD Form 5382.
 - a. The form is also available at all management offices, the Rental Assistance Department, and the Central Office.
3. HABD provides the VAWA Notice of Occupancy Rights to any public housing, HCV, PBV, or PBRA tenant or participant at the time any HABD notification of eviction or termination of assistance is provided. To maintain consistency across programs, all tenants and participants in HABD's housing assistance programs will be provided the notice along with HUD Form 5382.
4. HABD will maintain all information relating to an applicant, tenant, or participant's status as a victim of covered activity (domestic violence, stalking, etc.) submitted by an applicant, tenant, or participant in strict confidence. No such information is to be entered into the HABD system of record, into shared electronic or hard copy files, or any database, or shared with any other entity or individual not involved with the claim, including other employees, with the exception of the following: Property Operations Department Head, Section 504/Reasonable Accommodations Coordinator, President/CEO, or a designee of the President/CEO.
5. Emergency Transfer Plan – HABD's Emergency Transfer Plan is attached to this Policy. It applies to all covered programs administered by HABD.

Certification and Documentation

HABD requires the provision of documentation when an individual presents a claim for VAWA protections. The claim itself may be presented in a verbal statement. The list of acceptable documentation is as follows:

- HUD Form 5382
- A written statement signed by an individual (employee, agent, or volunteer) associated with a victim service provider, an attorney, or medical or mental health professional from whom the victim sought assistance related to the covered acts of violence. The statement must be signed by the tenant/participant/application seeking VAWA protections.

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- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency
- Other evidence provided by the individual that supports the claim, including but not limited to audio/video recordings, communications from the perpetrator, or statements from individuals other than those providers and professionals listed above, however those statements must meet the same criteria.

The individual presenting the claim determines which documentation to supply. If HABD staff is already aware of the abuse, staff should provide a signed and dated statement in lieu of documentation if requested by the individual.

If the documentation provided conflicts with information provided by another individual, information separately available to HABD, or more than one individual claims to be the victim in the same situation, HABD will require third-party documentation claiming to be a victim of covered violent acts listed above (with the exception that the HUD Form 5382 is not considered third-party documentation).

In order to prevent any adverse action by HABD, the individual must provide all requested documentation within 30 calendar days of the date of the request. HABD will not schedule an eviction, grievance hearing, informal review, or informal hearing for the to take place until the 30 days has elapsed. Once that time period has elapsed, HABD will continue any enforcement of Agency policy the family is subject to. The family retains their rights to grievance hearings, informal hearings, and informal reviews regardless of their failure to submit documentation.

Family Break-up

HABD will take steps to preserve the assistance of the victim of domestic violence, dating violence, sexual assault, or stalking when terminating assistance or evicting the perpetrator of such violence.

Perpetrators will be allowed to rejoin the household at the request of the family if they meet all eligibility criteria.

Lease Bifurcation

HABD will, to the extent allowed by law, bifurcate leases in order to evict or terminate assistance to perpetrators of criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking. Lease bifurcation removes the perpetrator from the unit without evicting or removing the victim from the unit.

If HCV/PBV owners decide to bifurcate a lease to an assisted family, HABD will assist the family with continued assistance if desired. Owners should notify HABD in advance of this action in order to offer assistance to the family. HABD will grant an exception to the established subsidy standard if, given the change in family composition, it would adversely impact the family.

If the family subject to lease bifurcation is a mixed family, and the victim is a member of the household who hasn't contended eligible immigration status, the remaining family members will have 30 days to indicate eligible immigration status to continue receiving assistance.



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Perpetrators will be allowed to rejoin the household at the request of the family if they meet all eligibility criteria.

HCV Homeownership

Individuals assisted under the HCV Homeownership program may be provided with tenant-based assistance while owning the title or interest in the prior home, or be provided an exception to Agency policy on the number of allowable moves in a one-year period in order to protect the health and safety of the family/family member that has been the victim of domestic violence, dating violence, sexual assault, or stalking.

Resources

- VAWA's housing provisions are at [34 U.S.C. 12491, et seq](#)
- [PIH Notice 2017-08: Violence Against Women Reauthorization Act of 2013 Guidance](#)
- [H Notice 2017-05: Violence Against Women Act \(VAWA\) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents](#)
- [VAWA Regulations \(2013\)](#)
- [The Violence Against Women Act Reauthorization Act of 2022: Overview of Applicability to HUD Programs](#)



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Definitions

Bifurcate

To divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating partner

The term "dating partner" refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

- (A) the length of the relationship;
- (B) the type of relationship; and
- (C) the frequency of interaction between the persons involved in the relationship

Dating violence

The term "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

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

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



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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

Elder abuse

The term "elder abuse" means any action against a person who is 50 years of age or older that constitutes the willful—

- (A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or
- (B) deprivation by a person, including a caregiver, of goods or services with intent to cause physical harm, mental anguish, or mental illness

Personally identifying information or personal information

The term "personally identifying information" or "personal information" means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including—

- (A) a first and last name;
- (B) a home or other physical address;
- (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (D) a social security number, driver license number, passport number, or student identification number; and
- (E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual

Sexual assault

Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent

Stalking

The term "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

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,

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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