

## Compliance with the Violence Against Women Act (VAWA)

The Violence Against Women Reauthorization Act of 2013<sup>1</sup> (VAWA 2013) extended VAWA protections to more HUD programs, including the Continuum of Care (CoC) Program and Emergency Solutions Grant (ESG) Program. HUD's "Final Rule: Violence Against Women Act 2013 (VAWA 2013)"<sup>2</sup> implements the HUD housing provisions in VAWA 2013. HUD's CoC Program Interim Rule (updated) incorporates VAWA 2013 [24 CFR 578.99(j)]<sup>3</sup>. Victims may not be denied assistance, terminated from assistance, or evicted because of a reason that is directly a result of being a victim of domestic violence, dating violence, sexual assault, or stalking. VAWA 2013 "applies for all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation, and which must be applied consistent with all nondiscrimination and fair housing requirements." (81 FR 80724)

Regulations implemented by the VAWA Final Rule were effective December 2016 with notices and documentation required as of December 5, 2017.

### Components:

- **CoC:** Must create an **Emergency Transfer Plan** (Form HUD-5381) – the CoC's plan for how victims of domestic violence, dating violence, sexual assault, and stalking may move to another safe and available unit if they fear for their life and safety. Victims determine whether or not a unit is safe. Recipients and subrecipients receiving CoC Program funding are required to follow the CoC's emergency transfer plan.
- **Agency:** Must provide a **Notice of Occupancy Rights for Victims** (Form HUD-5380) – document that lists people's rights under VAWA and HUD's Final Rule; given to victims at these times: When they apply for housing/services; when they are denied housing/services; when they receive housing/services; and, when they are terminated from housing/services.
- **Agency:** May require tenants provide documentation such as a written request for an Emergency Transfer. HUD has provided a model **Emergency Transfer Request** (Form HUD-5383). The survivor submits a written transfer request or other documents requested. Housing providers may ask an individual requesting an emergency transfer to document the occurrence; may use the certification form.
- **Agency:** May require a self-certification form to attest to being a survivor of domestic violence, sexual assault, stalking, or dating violence. HUD has provided a model **Domestic Violence Certification Form** (Form HUD-5382). Agencies may only require third-party documentation when there are competing claims or known conflicting evidence.

### Requirements:

- **CoC:** Modify Coordinated Access and projects' policies and procedures to prioritize Emergency Transfers
- **Agency and CoC:** Track the number of Emergency Transfer Requests and their outcomes
- **Agency:** Add a lease addendum or other contract/agreement with all landlords receiving CoC funds incorporating VAWA protections
- **Agency:** Follow guidance around bifurcation (dividing) a lease in cases where a tenant or occupant is evicted or their assistance terminated for committing acts of violence against family members or others and/or the abuser/offender is the eligible household member

---

<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf>

<sup>2</sup> <https://www.hudexchange.info/resource/4718/federal-register-notice-proposed-rule-violence-against-women-act-2013-vawa-2013/>

<sup>3</sup> <https://www.gpo.gov/fdsys/pkg/CFR-2017-title24-vol3/xml/CFR-2017-title24-vol3-part578.xml>