

Violence Against Women Act Fact Sheet

Type of housing covered:

- Department of Housing and Urban Development (HUD)
 - Public housing;
 - Section 8 Housing Choice Voucher program;
 - Section 8 project-based housing;
 - Section 202 housing for the elderly;
 - Section 811 housing for people with disabilities;
 - Section 236 multifamily rental housing;
 - Section 221(d)(3) Below Market Interest Rate (BMIR) housing;
 - HOME;
 - Housing Opportunities for People with Aids (HOPWA);
 - McKinney-Vento Act programs.
- Department of Agriculture
 - Rural Development (RD) multifamily housing programs.
- Department of Treasury
 - Low-Income Housing Tax Credit (LIHTC)

VAWA protects anyone who:

- Is a victim of actual or threatened domestic violence, dating violence, sexual assault or stalking, or an “affiliated individual” of the victim (spouse, parent, brother, sister, or child of that victim; or an individual to whom that victim stands in loco parentis; or an individual, tenant or lawful occupant living in the victim’s household) AND
- Is living in, or seeking admission to, any of the covered housing programs.

Who must comply with VAWA:

- Public housing authorities, owners and managers participating in the covered housing programs must comply with VAWA.

Denials of admissions, termination of tenancy or assistance:

- Prohibits an applicant or tenant from being denied , terminated, or evicted from housing on the basis that the applicant or tenant is or has been a victim of domestic violence.
- An incident of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease by the victim and will not be good cause for terminating the assistance or tenancy of the victim.
- Prohibits any person from being denied housing solely on the basis of criminal activity, if that activity is directly related to domestic violence by a household member, guest or any person under the tenant’s control, if the tenant or affiliated individual of the tenant is the victim.

Bifurcation:

- PHAs, owners and managers of the covered housing programs to bifurcate (divide) a lease to evict or terminate assistance to any tenant or lawful occupant who engages in criminal acts of violence against an affiliated individual or others without penalizing other tenants.
- If a PHA, owner or manager evicts, removes or terminates an individual because of criminal acts of violence, and that individual is the only tenant eligible to receive the housing assistance, then any remaining tenant will have the opportunity to establish eligibility for the assistance.
- If no tenant can establish such eligibility, then the PHA, owner or manager must provide the tenant reasonable time to find new housing or to establish eligibility under another covered housing program.

Certification:

- VAWA allows, but does not require, PHAs, owners and managers to make a written request to an individual for certification that he or she is a victim of domestic violence.
- An individual may certify via a form approved by the appropriate federal agency. This form must:
 - (1) state that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault or stalking;
 - (2) state that the incident that is the grounds for protection meets the requirements under the statute; and
 - (3) include the name of perpetrator, if the name is known and safe to provide.
- Other permissible documents.
 - One signed by a victim and a mental health professional under penalty of perjury,
 - An administrative record to document the abuse, or
 - A federal, state, tribal, territorial, or local law enforcement, court or administrative record.
- After a PHA, owner or manager has requested certification in writing, an applicant or tenant has 14 business days to respond to the request. If an individual does not provide the documentation within the 14 days, a PHA, owner or manager may deny, terminate or evict for good cause.

Emergency transfer plan:

- Each federal agency must adopt a model emergency transfer plan to be used by PHAs and owners or managers of housing assisted under the covered housing programs.
- This transfer plan must allow survivor tenants to transfer to another available and safe dwelling unit under a covered housing program if:
 - (1) the tenant expressly requests the transfer and
 - (2) either the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same assisted dwelling unit, or where the tenant is a victim of sexual assault and the sexual assault occurred on the premises within 90 days before the transfer request.

For more information or to talk with an advocate, call HOME at 513-721-4663.