

# **Using VAWA to Maintain Safe Housing for Survivors of Domestic and Sexual Violence in Rural Communities**

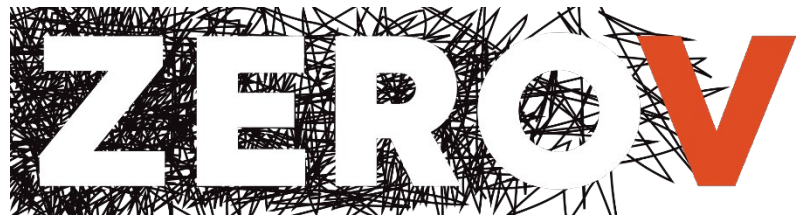
**January 22, 2025**

# National Housing Law Project



NHLP's mission is to advance housing justice for underserved people and communities. For over ten years, NHLP has been funded by the Department of Justice's Office on Violence Against Women to serve as a national technical assistance provider on the housing protections under the Violence Against Women Act (VAWA). NHLP has worked with thousands of advocates and housing providers on VAWA compliance and implementation issues.

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The logo for ZEROV features the word "ZEROV" in a stylized font. The letters "ZERO" are white with a dense, black, scribbled texture. The letter "V" is a solid, bright orange color. The entire logo is centered horizontally.

**ZEROV**

A dark purple rectangular box with rounded corners containing contact information in white text. A light blue vertical bar is visible on the right edge of the slide, partially overlapping the top of this box.

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# Special thanks to:

- National Network to End Domestic Violence
- Freedom Network USA
- The National Sexual Assault & Housing Collaborative:
  - National Alliance to End Sexual Violence
  - The National Organization of Sisters of Color Ending Sexual Assault
  - National Sexual Violence Resource Center
  - NSAC Resource Sharing Project

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# Agenda

- Overview of the Violence Against Women Act (VAWA)
- Survivors Rights under the Federal Fair Housing Act
- Strategies and Best Practices for Working with Rural Housing Providers
- Hypothetical Scenarios

# VAWA Overview

# What is VAWA?

- VAWA provides housing protections for survivors of domestic violence, sexual assault, dating violence, and stalking who are applying for or living in federally assisted housing.
- The law applies to a survivor (actual or perceived) regardless of sex, gender identity, sexual orientation, disability or age. Adopted in 2005 expanded in 2013. 2022 reauthorization went into effect Oct. 2022.
- VAWA does not apply to market-rate rental housing.

# What Programs are Covered?

## ▪ HUD

- Public Housing
- Section 8 Housing Choice Voucher Program
- Project-based Section 8 Housing
- Section 202 Supportive Housing for the Elderly
- Section 202 Direct Loan Program\*
- Section 811 Supportive Housing for Persons with Disabilities
- Section 236 Multifamily Rental Housing
- Section 221(d)(3) Below Market Interest Rate Housing (BMIR)
- HOME Investment Partnerships Program (HOME)
- Housing Opportunities for Persons with AIDS (HOPWA)
- McKinney-Vento Act Programs
- National Housing Trust Fund
- Transitional Housing Assistance Grants for victims of domestic violence, dating violence, sexual assault, and stalking\*



# What Programs are Covered? (cont.)

## ▪ USDA

- Rural Development Voucher Program\*
- Section 514 Farm Labor Rental Housing
- Section 515 Multifamily Rental Housing
- Section 516 Farm Labor Housing Grant Program
- Section 533 Housing Preservation Grant Program
- Section 538 Multifamily Rental Housing

## ▪ Treasury Dept.

- Low-Income Housing Tax Credit program (LIHTC)

## ▪ Veterans Affairs

- Supportive Services for Veteran Families (SSVF)\*
- Veterans Affairs Supportive Housing (VASH)\*
- Transitional Housing Assistance for Homeless Veterans\*
- Grant Programs for Homeless Veterans with Special Needs\*

# What Programs are Covered? (cont.)

## Also includes a “catch all” provision:

- “[A]ny other Federal housing programs providing affordable housing to low- and moderate-income persons by means of restricted rents or rental assistance, or more generally providing affordable housing opportunities, as identified by the appropriate agency through regulations, notices, or any other means”

# Protected Survivors Under VAWA

- **Domestic violence**
- **Sexual assault**
- **Dating violence**
- **Stalking**
- **Human Trafficking**

# Survivors' Rights Under VAWA

- Cannot be denied admission, be evicted, or have their assistance terminated because of the violence committed against them
- Must get a notice of housing rights under VAWA
- Can request that an abuser be removed from the lease and housing, where applicable
- Must be given time to establish eligibility
- Survivors with “Section 8” Housing Choice Voucher assistance can move with continued assistance
- Protection from retaliation, intimidation, interference

# Right to Report Crime (Sec. 603)

- Supports the right of anyone (regardless of their survivor status) to seek law enforcement or emergency assistance
- Prohibits any nuisance laws and crime free policies that impose penalties on people (borrowers and tenants) for calling the police too many times within a given period, or because they were involved in criminal activity as a victim, or they were otherwise not at fault
- Government entities receiving CDBG funding have add'l obligations under Sec. 603:
  - are prohibited from imposing penalties
  - are responsible for identifying and reporting problematic laws

# VAWA: Admissions



- PHAs, landlords, and owners may not deny an applicant housing **on the basis or as a direct result of** an applicant having been a survivor of domestic violence, dating violence, sexual assault, or stalking.
  - Adverse factors resulting from the abuse (e.g., poor credit history or criminal history)

# VAWA: Evictions

- May not evict a tenant on basis they are or have been a victim
- No person may be evicted or have assistance terminated based solely on criminal activity that is **as a direct result of** their status as a survivor
- An incident of violence is neither a “serious or repeated lease violation” by the victim or “good cause” for evicting the victim
- Must honor court orders re: property rights

# VAWA: Evictions (cont.)

- May still evict the survivor if the landlord / PHA can demonstrate an “actual and imminent threat” to other tenants or employees at the property
- Threat must consist of physical danger that is real, would occur within an immediate timeframe, and could result in death or serious bodily harm



# “Actual and Imminent Threat”

- Factors to be considered include:
  - Duration of the risk
  - Nature and severity of the potential harm
  - Likelihood harm will occur
  - Length of time before the harm would occur
- ***Eviction should occur only if there is no other action that would reduce or eliminate threat***

# 18 VAWA: Confidentiality

- Information submitted by survivor under VAWA must be maintained in “**strict confidence**”.
- Housing providers cannot allow anyone administering assistance or employees to have access to confidential information unless explicitly authorized.
- Confidential information will not be entered into shared database or disclosed to others, except if disclosure is:
  - Requested or consented to in writing by survivor in **time-limited** release;
  - Required for use in eviction or termination hearing; or
  - Otherwise required by law.

# Types of Documentation

## 1. VAWA self-certification form

- HUD Form 5382

## 2. Police, court, or administrative record

- Record can be from a federal, state, tribal, territorial, or local entity or administrative record.

## 3. Statement from third party

- Can be from a victim service provider, medical professional, mental health professional or attorney.
- Must be signed by both third party and survivor under penalty of perjury.

## 4. Statement or other evidence (housing provider's discretion)\*

- Emails, text messages, voicemails, social media postings

# Emergency Transfers - Generally

- All Borrowers must have an **Emergency Transfer Plan** that allows tenant to transfer to another unit (internal or external transfer) that is safe, as defined by tenant
  - Can use Form HUD-5381 or RD's Emergency Transfer Process
- Same documentation requirements
- Can cover moving costs
- Can offer an admissions preference
- Partnerships are key here
- Section 8 Housing Choice Vouchers as a transfer option

# Lease Bifurcations

- A Borrower may “bifurcate” or split a lease to evict abuser while allowing victim to stay.
- If the individual who is evicted is the sole tenant eligible to receive the housing assistance, the Borrower must provide the remaining tenant **90 days or until lease expiration (with possible 60-day extension)** to move or establish eligibility for another covered housing program.
- The landlord must follow federal, state, and local law in evicting the abuser.
- In the Housing Choice Voucher program, if a family breakup results from the violence, “the PHA **must** ensure that the victim retains assistance.”

# Federal Fair Housing Act

# What is the FHA?

- Protects all individuals from housing discrimination (not limited to federally funded)
- Survivors are not specifically named but because the vast majority of survivors are women, discrimination against survivors of violence can constitute sex discrimination
- RD tenants can file housing discrimination complaints with USDA or HUD




# Survivors Rights Under FHA

- Be free from discrimination when seeking housing to buy or rent;
- Be protected from eviction;
- Be treated the same as other tenants or occupants by a housing provider;
- Request a reasonable accommodation, to ensure that someone with a disability has equal opportunity to use and enjoy housing; and
- Receive equal access to housing programs without regard to a person's actual or perceived sexual orientation, gender identity, or marital status



# Examples of Discrimination

- Treating women differently because of their status as survivors.
  - Ex: A landlord evicts a rape survivor after someone assaulted her in her unit and she called the police, but does not evict another tenant after a stranger broke into his unit and he called the police.
  - Ex: A landlord evicts a DV survivor because of damage caused to her unit by her abuser, but does not evict a male tenant due to damage caused by a break-in.
- A neutral policy that negatively affects gender-based violence survivors may violate the FHA because of its disparate impact on women.
  - Ex: Women are disproportionately affected by a housing provider's zero-tolerance for violence/crime policy.



**ZERO**v

Strategies and Best  
Practices for Housing  
Survivors

# Our Experience

- ▶ Housing Development – 84 units of tax credit housing dedicated to survivors
- ▶ HOME TBRA since 2011; \$253K each two-year funding cycle
- ▶ Continuum of Care Rapid Rehousing since 2016 – currently at \$2.8M annually serving two CoCs in KY
- ▶ OVW Transitional Housing for supportive services – three funding cycles (2011 through 2020)
- ▶ OVW Transitional Housing for survivors (18-24) – \$500K award starting Oct 1, 2024
- ▶ Expansions applied for during FY24 Competition to increase annual funding to \$5.2M in CoC/DV Bonus funding



## KDVA Homes – 2011

48 UNITS-\$8.8M

21 units on campus of Center for Women and Families in downtown Louisville. Rental assistance primarily via LMHA. Graduation vouchers available. Project entering final year of first compliance period.

# Morehead

**Families in six townhouse-style units in the Appalachian foothills receive rental assistance through the DOVES housing grants.**



# Paducah

- Residents of 12 duplex-style units on shelter campus receive rental assistance primarily through Section 8 housing vouchers from city of Paducah, also assisted by ZeroV and Merryman House
- Graduation vouchers available





## KCADV Homes Lexington

24 apartments

\$4.6 million project

Rental assistance  
via LHA block  
grant



# KCADV Homes- Lexington





## Third Project Hazard KY Nov 2019

Fair housing complaint  
settled in September  
2019

Tax credits awarded in  
2017 for \$2.78 million  
project in the  
Appalachian  
mountains

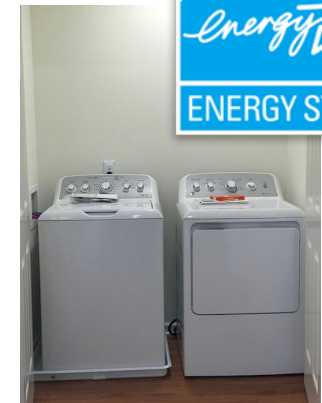


# Coming Home!



This work is NOT  
just housing

Consider:  
Meeting  
space, wellness  
options,  
community  
engagement



# Housing Considerations

- ▶ Housing is the No. 1 request from survivors in our programs
- ▶ DV is the #1 reason women and children are homeless
- ▶ ALL states need more safe, decent, affordable housing
- ▶ Work with state housing finance agencies for DV preferences, set asides
- ▶ Be aware and contribute to consolidated housing plans (Sec 8, CoC, and Tax Credit Development scoring criteria)
- ▶ Funding for Supportive Services along with unrestricted funds to meet survivor driven needs are key to successful housing

# Housing Considerations

- ▶ Goal: connect survivor households to permanent housing and restore community
- ▶ Landlord Engagement
- ▶ We can be in a position to provide assistance and attention at critical junctures to delay or avert evictions
- ▶ VAWA Technical Assistance to landlords/member programs/survivors

# ZeroV-A Strong Leader In Supportive Housing Best Practices

- ▶ We practice DV Housing First - use of evidence-based, low-barrier, housing-focused practices, combined with emphasis on safety and meeting survivor defined needs
- ▶ Five pillars of stability: housing; physical and mental wellbeing; financial capability and wellbeing; maximize education/employment; develop healthy community support/resources
- ▶ Focus on rehousing survivors when initial housing placements fail rather than exiting them from program
- ▶ Partner with housing agencies to provide best practice training on low-barrier, housing-focused case management
- ▶ Work to build strong landlord relationships in every community to facilitate faster housing placements

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## Housing is a unique collaboration:

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**-Subsidy/Supportive Services Provider**

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**-Survivor**

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**-Landlord/Property Management**

Low barrier TSP

Help LLs fill units/ensure quality standards

Quickly resolve problems with rental assistance, maintenance

Support residents, address issues before they lead to eviction/loss of housing/significant damage to property – VAWA transfers are key

Funding to meet survivor driven needs is key in conjunction with housing grant resources

# Challenges/Strategies: What the Cluck?

- ▶ Lease violations
- ▶ ALWAYS discuss VAWA protections and practical application
- ▶ Unrestricted funds leveraged with grant funds for relocating or supporting survivor in place
- ▶ Forfeit deposits for early lease terminations
- ▶ If survivor directs – involve law enforcement partners with safety, protective orders, removing partner who harms from property and bifurcating lease if required





# What can happen when we meaningfully invest in people





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# Scenarios

# Scenario #1

Sam applies to live at an apartment complex. The owner declines Sam's application because she has a prior eviction and 2 arrests in the last 12 months. Upon receiving the denial, Sam calls the owner and explains that all of these are the result of the domestic violence situation that she has recently left. The owner tells her that he will not reconsider because he knows that she will get back together with her ex-partner, as those in "her culture" typically do.

- Does VAWA apply?
- Can the owner deny Sam admission due to prior eviction?
- Can the owner deny admission due to criminal history?

# Scenario #2

Vicky lives in an apartment with her 2 kids, who she co-parents with her on-again/off again boyfriend. Her boyfriend came to visit her and was physically abusive and punched holes in the walls. She called the police to report the abuse after her boyfriend left. However, she did not seek a protective order against her boyfriend. She reported the incident to her landlord and requested a change of the locks.

- Can the owner evict Vicky for calling the police? Can the local government?
- Can the owner charge Vicky for damage to the walls?
- Is the owner required to change the locks?

# Scenario #3

Tracey lives in a LIHTC apartment and received a termination notice from her landlord after her partner, Teresa, took all of her money, as a part of a pattern of economic abuse. Tracey submits the HUD VAWA Certification to the property manager, which describes the abuse and lack of income to pay the rent. The manager demands a police report, saying she cannot take Tracey's word for it. The manager also notes that the abuse must be physical for VAWA to apply and notes that in talking to other residents about this, "no one saw any abuse."

- Can the property manager demand a police report?
- Does the abuse have to be physical for VAWA to apply?
- Can the property manager speak with other residents?

# Scenario #4

Lonnie and Luke have lived together for the past four years. Over the past 6 months, Lonnie's violence toward Luke has escalated and Luke has requested to bifurcate their shared lease. As a result of the violence escalation, Luke is unemployed, has limited financial resources, and limited support networks.

- What are the landlord's responsibilities to each tenant?
- Which tenant should be required to move?

# Scenario #5

Robin was just notified that her former partner, who was incarcerated for using violence against her, is being released from prison in the next 30 days. She immediately submits documentation to demonstrate threat of future harm if she remains in her current unit and requests an emergency transfer. She would like to move to a sister property two counties away to ensure her location remains confidential and she is safe. There is a two-month waiting list at the sister property.

- Can Robin's external transfer request be honored?
- Can assistance for moving costs be provided?
- Can Robin's request be prioritized at the sister property?



# Materials and Resources

# National Toolkits/Brochures

- Community Based Advocate Toolkit: How to make sure your clients have safe housing
  - [https://www.nationalallianceforsafehousing.org/wp-content/uploads/2019/05/Survivor-Housing-Protections\\_NonLegalAdvocateToolkit-Final-5-14-19.pdf](https://www.nationalallianceforsafehousing.org/wp-content/uploads/2019/05/Survivor-Housing-Protections_NonLegalAdvocateToolkit-Final-5-14-19.pdf)
- NHLP, VAWA Brochure ([English](#), [Spanish](#))

# USDA & HUD Resources

- HB-2-3560, Att. 6-K, Guide for Administering and Complying with the Violence Against Women Reauthorization Act of 2013 Rural Development Multifamily Housing, Contains:
  - VAWA Lease Addendum
  - Sample Emergency Transfer Plan
  - Sample VAWA LOPE
- HUD Self Certification Form 5382 (comes in 15 different languages) <https://www.hud.gov/sites/documents/5382>.
- HUD Notice of Occupancy Rights Form 5380 <https://www.hud.gov/sites/documents/5380.docx>

# National Resources

- **American Civil Liberties Union Women's Rights Project, Safe at Home:** [aclu.org/other/safe-home](https://www.aclu.org/other/safe-home)
- **National Housing Law Project:** [nhlp.org/OVWgrantees](https://www.nhlp.org/OVWgrantees)
- **National Alliance for Safe Housing:** [nashta.org](https://www.nashta.org)
- **National Domestic Violence Hotline:** (1-800-799-7233, 1-800-787-3224 (TTY)) [thehotline.org](https://www.thehotline.org)
- **National Network to End Domestic Violence:** [nnedv.org](https://www.nnedv.org)
- **Rape, Abuse & Incest National Network:** [rainn.org](https://www.rainn.org)
- **Safe Housing Partnerships (clearinghouse of information):** [safehousingpartnerships.org](https://www.safehousingpartnerships.org)
- **National Resource Center on Domestic Violence:** [nrcdv.org](https://www.nrcdv.org)

# National Resources

- **Resource Sharing Project** resources on sexual assault and housing: [resourcesharingproject.org](http://resourcesharingproject.org)
- **National Sexual Violence Resource Center (NSVRC)** resources on housing and sexual violence: [nsrvc.org](http://nsrvc.org)
- **OVW Resource Page:** tribal, state, and territory sexual assault coalitions: [justice.gov/ovw/localresources](http://justice.gov/ovw/localresources).
- **Freedom Network USA:** [freedomnetworkusa.org](http://freedomnetworkusa.org)
- **Collaboration Toolkit for Anti-Trafficking and Housing Programs:** [freedomnetworkusa.org/uploads/toolkit](http://freedomnetworkusa.org/uploads/toolkit)
- **Housing Options for Survivors of Trafficking:** [freedomnetworkusa.org/housing-options](http://freedomnetworkusa.org/housing-options)
- **An Introduction to Human Trafficking for Housing Providers:** <https://youtu.be/To2RTrbwS60>

# State and Local Resources

- **State & Local housing protections for survivors in your area**, see NHLP's [Housing Rights of Domestic Violence Survivors: A State and Local Law Compendium](#)
- **Womenslaw.org**: A project of the National Network to End Domestic Violence, provides state-specific legal information and resources for survivors of domestic violence. [womenslaw.org](http://womenslaw.org)
- For more information about state or local legal services, please visit: <https://www.ncsc.org/topics/legal-services/legal-aid-pro-bono/state-links.aspx> or <https://www.lawhelp.org/find-help>
- For more information about state domestic violence coalitions, please visit: <http://bit.ly/NNEDVcoalitions>