

VAWA 2013: Update on Implementation and Enforcement



HOUSING JUSTICE NETWORK CONFERENCE
DECEMBER 2015
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National Housing Law Project

Resources for VAWA 2013 Basics

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- Today, we will not provide an overview of VAWA 2013's housing provisions
- For VAWA 2013 basics
 - Summary : http://nhlp.org/files/VAWA-2013-Bulletin-Article-Jan-2014-updated_1.pdf (also in your materials)
 - Webinar (8/21/14): <http://nhlp.org/node/1484/>

Resources for VAWA 2013 Implementation

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- VAWA 2013 implementation materials
 - <http://nhlp.org/node/3440>
 - Includes updated HUD Form 50066 (also in materials)
- HUD's proposed VAWA 2013 rule
 - In materials: Proposed rule and VAWA housing working group comments
 - Webinar (5/21/15): <http://nhlp.org/node/1484/>
 - Final rule – March 2016?
- RD's revised VAWA 2013 guidance
 - In materials: RD AN No. 4778 (1944-N)

Question for You

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What are your top questions or issues re: VAWA 2013's housing protections or their implementation?

Highlights of HUD's Proposed VAWA 2013 Rule

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- Continues basic anti-discrimination rights and limitations
- Covers Housing Trust Fund; excludes Section 202 Direct Loan Projects without PBS8
- VAWA applies to survivors “regardless of sex, gender identity, sexual orientation, disability, or age”.
- “Affiliated individual” of survivor
 - Only applies to individuals on lease; protected as applicant; tenant cannot be evicted/denied assistance for abuse committed against affiliated individual

Highlights of HUD's Proposed VAWA 2013 Rule (cont'd)

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- Lease bifurcation
 - Reasonable time of 60 calendar days to establish eligibility for same or other covered program; another 30 calendar days to find other housing
- Model emergency transfer plan
 - Key exceptions (e.g. ESG, CoC)
- Self-certification form for all HUD programs
- VAWA housing rights notice
 - Language access

VAWA: RD/RHS Programs

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- VAWA 2013 extends coverage to all RD housing programs except RD Voucher Program.
- No regulations, but owners informed by AN No. 4778 (1944-N) (Jan. 5, 2015)
 - Only requires owners to implement Model Emergency Transfer Plan.
 - ✦ ANs are not enforceable, especially against third parties.
 - ✦ Suggested Certification of Victim Form included in AN (Att. C).
 - ✦ Victims are eligible for priority admission to other RD developments.
 - RD plans to implement regulations after HUD publishes VAWA Notice, presumably through final regulations.

VAWA: RD/RHS Programs (cont'd)

- VAWA may be enforceable against RD owners through:
 - Lease provision stating that perpetrators of DV will be evicted while victims may remain in the unit (HB-2-3560, Attachment 6-E (02-24-2005) (at page 3 of 5).
 - Under owners' certification to comply with applicable laws. See 7 C.F.R. §§ 3560.102(a), 3560.352(c)(4) and 3565.105(b).
 - Resident Lease and Grievance Process (7 C.F.R. § 3560.160).
 - HUD VAWA regulations if the resident is receiving § 8 Assistance.