

Statutory Compendium of the Housing Provisions of the Violence Against Women Act of 2005¹



Provision	General Citation	Public Housing Citation	Project-Based Sec. 8 Citation	Sec. 8 Voucher Citation
<p>Definition of “domestic violence”</p>	<p>42 U.S.C. § 13925(a)(6):</p> <p>“The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.”</p>	<p>42 U.S.C. § 1437d(u)(3)(A) incorporates the definition found at § 13925</p>	<p>42 U.S.C. § 1437f(f)(8) incorporates the definition found at § 13925</p>	<p>42 U.S.C. § 1437f(f)(8) incorporates the definition found at § 13925</p>
<p>Definition of “dating violence”</p>	<p>42 U.S.C. § 13925(a)(8):</p> <p>“The term "dating violence" means violence</p>	<p>42 U.S.C. § 1437d(u)(3)(B) incorporates the definition found at § 13925</p>	<p>42 U.S.C. § 1437f(f)(9) incorporates the definition found at § 13925</p>	<p>42 U.S.C. § 1437f(f)(9) incorporates the definition found at § 13925</p>

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	<p>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.”</p>			
Definition of stalking	N/A	<p>42 U.S.C. § 1437d(u)(3)(C):</p> <p>“(C) the term "stalking" means-</p> <p>(i) (I) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or</p> <p>(II) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and</p> <p>(ii) in the course of, or as a result of, such following,</p>	<p>42 U.S.C. § 1437f(f)(10):</p> <p>“(10) the term "stalking" means-</p> <p>(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or</p> <p>(ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and</p> <p>(B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to</p>	<p>42 U.S.C. § 1437f(f)(10): See project-based Section 8 citation.</p>

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		pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to- (I) that person; (II) a member of the immediate family of that person; or (III) the spouse or intimate partner of that person”	place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to- (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person”	
Definition of immediate family member	N/A	42 U.S.C. § 1437d(u)(3)(D): “(D) the term "immediate family member" means, with respect to a person-- (i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (ii) any other person living in the household of that person and related to that person by blood or marriage.”	42 U.S.C. § 1437f(f)(11): “(11) the term "immediate family member" means, with respect to a person-- (A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (B) any other person living in the household of that person and related to that person by blood or marriage.”	42 U.S.C. § 1437f(f)(11): See project-based Section 8 citation
Housing Authority Annual Plan Requirements	42 U.S.C. § 1437c-1(d)(13): “(d) An annual public housing agency plan ... shall contain:	N/A	N/A	N/A



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	<p>(13) A description of-</p> <p>(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;</p> <p>(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and</p> <p>(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.”</p>			
<p>Housing Authority Five-Year Plan Requirements</p>	<p>42 U.S.C. § 1437c-1(a)(2):</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>



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	“(a)(2) The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.”			
Consolidated Plan Requirements	42 U.S.C. § 12705(b)(1): “A housing strategy submitted under this section shall ... (1) describe the jurisdiction's estimated housing needs projected for the ensuing 5-year period, and the jurisdiction's need for assistance for ... victims of domestic violence, dating violence, sexual assault, and stalking”	N/A	N/A	N/A
Admissions: That an applicant has been a victim of domestic violence, dating violence, or stalking is not an	N/A	42 U.S.C. § 1437d(c)(3): “[T]he public housing agency shall not deny admission to the project to any applicant on the	42 U.S.C. § 1437f(c)(9)(A) “That an applicant or participant is or has been a victim of domestic violence, dating	42 U.S.C. § 1437f(o)(6)(B): “That an applicant or participant is or has been a victim of domestic violence, dating

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appropriate basis for denial of program assistance or for denial of admission.		basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission”	violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.”	violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission.”
Termination of tenancy or assistance: An incident of actual or threatened domestic violence, dating violence, 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.	N/A	42 U.S.C. § 1437d(1)(5): “[A]n incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such violence”	42 U.S.C. § 1437f(c)(9)(B): “An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.”	42 U.S.C. § 1437f(o)(20)(B): “Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that criminal activity justifying termination of assistance to the victim or threatened victim.”
Criminal activity directly related to abuse: Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be cause for termination of the victim’s tenancy or assistance.	N/A	42 U.S.C. § 1437d(1)(6)(A): “[C]riminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of the	42 U.S.C. § 1437f(c)(9)(C)(i): “Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control shall not be	42 U.S.C. § 1437f(o)(20)(C): “Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant’s family who is a victim of the domestic violence,

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		tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking”	cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.”	dating violence, or stalking.”
Actual and imminent threat provision: A PHA, owner or manager may evict or terminate assistance to a victim if the PHA, owner, or manager can demonstrate an actual and imminent threat to other tenants or employees at the property if the tenant is not evicted or terminated from assistance.	N/A	42 U.S.C. § 1437d(1)(6)(E): “[N]othing in [this section] may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant's tenancy is not terminated”	42 U.S.C. § 1437f(c)(9)(C)(v) “Nothing in [this section] may be construed to limit the authority of an owner, manager, or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.”	42 U.S.C. § 1437f(o)(20)(D)(iv): “Nothing in [this section] may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.”
Victims must be held to same standard as other tenants: For lease violations unrelated to abuse, a PHA, owner or	N/A	42 U.S.C. § 1437d(1)(6)(D): “[N]othing in [this section] limits any otherwise available authority of a public housing	42 U.S.C. § 1437f(c)(9)(C)(iv) “Nothing in [this section] limits any otherwise available	42 U.S.C. § 1437f(o)(20)(D)(iii): “Nothing in [this section] limits any otherwise available authority

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<p>manager must not subject an individual who is a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.</p>		<p>agency to evict a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate”</p>	<p>authority of an owner or manager to evict or the public housing agency to terminate assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.”</p>	<p>of the public housing agency to terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate.”</p>
<p>Bifurcation: A PHA, owner, or manager may evict, remove, or terminate assistance to the abuser without evicting or terminating assistance to the victim</p>	<p>N/A</p>	<p>42 U.S.C. § 1437d(1)(6)(B):</p> <p>“[N]otwithstanding . . . any Federal, State, or local law to the contrary, a public housing agency may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in</p>	<p>42 U.S.C. § 1437f(c)(9)(C)(ii):</p> <p>“Notwithstanding . . . any Federal, State, or local law to the contrary, an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who</p>	<p>42 U.S.C. § 1437f(o)(20)(D)(i):</p> <p>“Nothing in [this section] may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.”</p>

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		<p>criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing”</p>	<p>engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.”</p>	
<p>Portability: Even if moving would otherwise violate the lease, a Section 8 voucher family may move to another jurisdiction if the family has complied with all program obligations and is moving to protect the safety of a victim of domestic violence, dating violence, or stalking.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>42 U.S.C. § 1437f(r)(5): “[A] family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she</p>

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				was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.”
Court orders: VAWA does not limit the authority of PHAs, owners, or managers to honor court orders addressing rights of access to or control of property.	N/A	42 U.S.C. § 1437d(1)(6)(C): “[N]othing in [this section] may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up”	42 U.S.C. § 1437f(c)(9)(C)(iii): “Nothing in [this section] may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.”	42 U.S.C. § 1437f(o)(20)(D)(ii): “Nothing in [this section] may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.”
Certification— Discretion of PHAs and owners: PHAs and owners are not required to demand official documentation of victim status. PHAs and owners may rely solely on the individual’s statement.	N/A	42 U.S.C. § 1437d(u)(1)(D): “Nothing in this subsection shall be construed to require any public housing agency to demand that an individual produce official documentation or physical proof of the individual’s status as a victim of domestic violence, dating violence, or	42 U.S.C. § 1437f(ee)(1)(D): “Nothing in this subsection shall be construed to require an owner, manager, or public housing agency to demand that an individual produce official documentation or physical proof of the individual’s status as a victim of domestic violence, dating violence, or stalking in order to receive any of the	42 U.S.C. § 1437f(ee)(1)(D): See project-based Section 8 citation.

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		<p>stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.”</p>	<p>benefits provided in this section. At their discretion, the owner, manager, or public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.”</p>	
<p>Certification—HUD-approved form:</p> <p>A PHA, owner, or manager may request that an individual certify via a HUD-approved form that the individual is a victim of domestic violence, dating violence, or stalking. Such certification shall include the name of the perpetrator.</p>	<p>N/A</p>	<p>42 U.S.C. § 1437d(u)(1)(A):</p> <p>“A public housing agency responding to subsection (l)(5) and (6) of this section may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator.”</p>	<p>42 U.S.C. § 1437f(ee)(1)(A):</p> <p>“An owner, manager, or public housing agency responding to subsections (c)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) of this section may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs. Such certification shall include the name of the perpetrator.”</p>	<p>42 U.S.C. § 1437f(ee)(1)(A): See project-based Section 8 citation.</p>
<p>Certification—other permissible documents: In lieu of the HUD-</p>	<p>N/A</p>	<p>42 U.S.C. § 1437d(u)(1)(C):</p>	<p>42 U.S.C. § 1437f(ee)(1)(C):</p> <p>An individual may satisfy the</p>	<p>42 U.S.C. § 1437f(ee)(1)(C): See project-based Section 8 citation.</p>

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<p>approved form, a victim may certify by providing: (1) a statement signed by the victim and a victim service provider, attorney, or medical professional; or (2) a police or court record.</p>		<p>“An individual may satisfy the certification requirement of subparagraph (A) by-- (i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or (ii) producing a Federal, State, tribal, territorial, or local police or court record.”</p>	<p>certification requirement of subparagraph (A) by-- (i) providing the requesting owner, manager, or public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or (ii) producing a Federal, State, tribal, territorial, or local police or court record.</p>	
<p>Certification—Timeline: If an individual does not provide certification within 14 business days after receiving a written request, the PHA or owner may evict any</p>	<p>N/A</p>	<p>42 U.S.C. § 1437d(u)(1)(B): “If the individual does not provide the certification within 14 business days after the</p>	<p>42 U.S.C. § 1437f(ee)(1)(B): “If the individual does not provide the certification within 14 business days after the individual has received a request</p>	<p>42 U.S.C. § 1437f(ee)(1)(B): See project-based Section 8 citation.</p>

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<p>individual who commits lease violations. The PHA or owner may extend the 14-day deadline at their discretion.</p>		<p>individual has received a request in writing for such certification from the public housing agency, nothing in this subsection . . . may be construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.”</p>	<p>in writing for such certification for the owner, manager, or public housing agency, nothing in this subsection . . . may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager or public housing agency may extend the 14-day deadline at their discretion.”</p>	
<p>Confidentiality: A PHA or owner shall keep confidential the information an individual provides to certify victim status.</p>	<p>N/A</p>	<p>42 U.S.C. § 1437d(u)(2)(A):</p> <p>“All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is-- (i) requested or consented to by the individual in writing;</p>	<p>42 U.S.C. § 1437f(ee)(2)(A):</p> <p>“All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is-- (i) requested or consented to by the individual in writing; (ii) required for use in an eviction proceeding . . . ; or</p>	<p>42 U.S.C. § 1437f(ee)(2)(A): See project-based Section 8 citation.</p>

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		(ii) required for use in an eviction proceeding . . . ; or (iii) otherwise required by applicable law.”	(iii) otherwise required by applicable law.”	
Notification: PHAs must provide notice to tenants, owners, and managers of their rights and obligations under VAWA.	N/A	42 U.S.C. § 1437d(u)(2)(B): “Public housing agencies must provide notice to tenants assisted under this section of their rights under this section and subsection (1)(5) and (6) of this section, including their right to confidentiality and the limits thereof.”	42 U.S.C. § 1437f(ee)(2)(B): “Public housing agencies must provide notice to tenants assisted under this section of their rights under this section and subsection (1)(5) and (6) of this section, including their right to confidentiality and the limits thereof.”	42 U.S.C. § 1437f(ee)(2)(B): See project-based Section 8 citation.
Preemption: VAWA does not preempt any Federal, State, or local law that provides greater protections for victims of domestic violence, dating violence, or stalking.	N/A	42 U.S.C. § 1437d(u)(1)(E): “Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”	42 U.S.C. § 1437f(ee)(1)(F): “Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”	42 U.S.C. § 1437f(ee)(1)(F): See project-based Section 8 citation.

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